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HANSARD'S

PARLIAMENTARY

DEBATES:

FORMING A CONTINUATION OF
"THE PARLIAMENTARY HISTORY OF ENGLAND
FROM THE EARLIEST PERIOD TO THE
YEAR 1803."

Third Series;

COMMENCING WITH THE ACCESSION OF
WILLIAM IV.

VOL. XXXVII.

COMPRISING THE PERIOD FROM
THE SEVENTH DAY OF MARCH, 1837.
TO
THE EIGHTEENTH DAY OF APRIL, 1837.

Second Volume of the Session.

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1837.

TABLE OF CONTENTS

TO

VOLUME XXXVII.

THIRD SERIES.

I. Subjects of Debate in the House of Lords.
II. Subjects of Debate in the House of Commons.
III. Lists of Divisions.
IV. Protest.

I. Subjects of Debate in the House of Lords.

1837. Page

March 7. CHURCH RATES — The Ministerial plan — Question by Lord Ellenborough—Petitions 1

9. Church Rates—Petitions—Declaration of the Archbishop of Canterbury against the Ministers' plan 147

10. Church Rates—Petitions 207
Receiving Printed Petitions 212

14. Church Rates—Petitions 381

16. Petitions for Church-rates—Number and Character of Petitioners 554
The Canadas—Question—Motion for Papers 557

17. Statute Labour—Question by Lord Wynford 617

1837. Page
20. Education (Ireland)—Explanation 662
See of Bangor—Petition 663

21. Church-rates—Petitions—Number and Character o. Petitioners 675

April 6. The Mint—Report on the Bill 797
Scotch and Irish Vagrants—Bill read a third time .. 799

7. Appendage to a Petition 835
Poor-law Amendment Act—Petition and discussion .. 835

11. Oxford and Cambridge Statutes—Second Reading of the Bill . 1001

13. Want of Churches (Ireland)—Petition 1154
Municipal Corporations (Ireland)—Bill read a first time .. 1156

14. Trial by Jury (Scotland)—Bill read a second time .. 1207

17. Poor-law Amendment Act—Petitions 1296

18. Conspiracy in Ireland—Petition 1388
New Houses of Parliament—Report 1389

II. SUBJECTS OF DEBATE IN THE HOUSE OF COMMONS.

March 7. Trade with Java—Questions by Mr. Patrick Stewart .. 6
The Ballot—Motion by Mr. Grote for leave to bring in a Bill to take the Votes for Members of Parliament by Ballot—Division, Lists, &c. 8
Bribery at Elections—Leave given to bring in a Bill .. 71
Commissions—Motion for a return of the number of Commissions issued 72

8. Affairs of Canada—Adjourned Debate on the Resolutions proposed by Ministers 76

9. False Subscriptions for Railways—Petition 160
Creating Fictitious Votes—Petition 160
Inclosure Bills—Public Recreation—Resolution to provide Places for Recreation in all Inclosure Bills .. 162
Mercantile Marine—Leave given to bring in a Bill to establish a Marine Board, &c. 164

1837. Page

Texas—Motion for Copies of Correspondence relative to the United States—Texas—Division, Lists, &c. 191

Reform Act—Rates and Taxes—Leave given to bring in a Bill to repeal the Rate-paying Clauses of the Reform Act—Division, Lists, &c. 203

March 10. Church-rates—Question 212

Royal Marines—Motion for a Select Committee to inquire into the rate of Promotion in the Marines withdrawn .. 213

Navy Estimates 219

Spain—Lord Mahon brings the Subject under the notice of the House 223

11. Brevet Promotion — Returns relative to it ordered on Mr. Hume's Motion—A Division, Lists, &c. 286

13. Police Magistrates—Question as to appointment of them .. 294

Queen Regent of Spain—Explanation by Mr. O'Connell .. 295

Church-rates—Resolutions proposed by Ministers—House in Committee—Discussion continued from March 3—Debate adjourned 296

14. Church-rates — Adjourned Debate resumed — Debate again adjourned 383

Municipal Corporation (Scotland)—Motion for leave to bring in a Bill—Division—Debate adjourned 456

15. Parliamentary Agents—Resolution Moved—Debate adjourned 457

Church-rates—Adjourned Debate resumed and concluded—Division, Lists, &c. 466

16. Corn-laws—Mr. Clay's Motion to repeal the Corn-laws—Division, Lists, &c. 562

17. Stores supplied to Spain—Question 619

The Vixen—Treaty of Adrianople—Motion for Papers by Mr. Roebuck—Motion withdrawn 621

Navy Estimates—Supply—Fleet in Lisbon 656

Army Estimates—Supply 661

20. The Factories' Act—Explanation 665

Archbishop Sharpe—Explanation by the Attorney-General .. 667

Master of the Rolls (Ireland)—Motion for Returns—Accusations against that Officer 667

Municipal Corporations (Ireland)—Bill—Committee—Division, Lists, &c. 672

21. Western Railway—Paddington Estate—Petition—Occurrence in the Committee—Motion to re-commit a Bill .. 678

1837. Page
Battles in Spain—Questions 681
Manufacture of Foreign Corn—Resolution moved by Mr. Robinson—Division, Lists, &c. 683
Survey of Church Lands—Motion for Copies withdrawn .. 691
Men of War wrecked—Motion for Returns—Division, Lists, &c. 692
Imprisonment for Debt—Bill re-committed—Further Discussion on the clause exempting Members 695

March 22. Western Railway—Paddington Estate—Explanation .. 701
Consular Agents at Cracow—Question 701
East-India Maritime Officers—Second Reading of the Bill .. 702

23. Turnpike Trusts (Scotland)—Motion for Returns .. 708
Criminal Law—Motion for leave to bring in several Bills to consolidate and amend this Law 709
Tobacco Duties—Motion for a reduction of them .. 733

April 4. Primogeniture—Motion for leave to bring in a Bill to make Landed Property descend, like Personal Property, in cases of Intestacy—Division, Lists, &c. 734
Duty on Soap—Motion for its repeal withdrawn .. 741
East-India Maritime Officers—Motion to refer their Petitions to a Select Committee—Division, Lists, &c. .. 749
Tobacco Duties—Motion to reduce them 765

5. Bankrupts' Estates (Scotland)—Bill read a second time .. 769
Bankruptcy (Scotland)—Bill read a second time .. 770
Recovery of Tenements—Bill read a second time .. 771
Sale of Beer—Second Reading of the Bill put off for six months 771
Government of the Army—Resolution moved by Colonel Thompson that its Government is contrary to Law .. 775
Supply—Army Estimates—Amendment—Divisions, &c. .. 778
Hackney Coaches—Second Reading of the Bill .. 796

6. Parliamentary Agency—Mr. Tooke's Motion—Debate adjourned 800
Qualification of Members—Leave given to bring in a Bill to alter the Qualification 802
Sale of Beer—Leave given to bring in a Bill to alter the Laws relative to the Sale of Beer 809
Post-office—Resolution moved by Mr. Wallace .. 809
Supply—Army Estimates—Reduction of the Salary of the Commander-in-Chief—Division, Lists, &c. 813
Imprisonment for Debt—Committee on the Bill .. 823

7. Explanation as to Parliamentary Agents—Post-Office .. 858

1837. Page

Case of Mr. Lovesey—Explanation by Lord G. Somerset .. 858

Military Punishments—Major Fancourt's Motion for a Committee to examine and report—Division, Lists, &c. .. 868

Navy Estimates—Sir W. Symonds—Officers dismissed without being subjected to a Court-Martial 907

April 10. West London Cemetery Company—Report 922

Distress in Scotland—Question 924

The Ice-bound Whalers—Question 926

Juvenile Delinquency—Question 926

Case of Mr. Lovesey—Explanation 927

Municipal Corporations (Ireland)—Third Reading of the Bill—Debate adjourned 929

11. Municipal Corporations (Ireland)—Third Reading of the Bill—Division, Lists, &c. 1043

12. Severn Navigation—Second Reading of the Bill—Division, Lists, &c. 1115

The Merchant Service—Bill to regulate it withdrawn .. 1123

County Rates—Second Reading of the Bill—Divisions, Lists &c. 1124

Court of Session (Scotland)—Committee on the Bill .. 1152

13. Brighton Railway—Stephenson's Line—Petitions—Motion for a Committee—Debate adjourned 1159

Penny Stamp on Newspapers—Motion for a Select Committee to consider the propriety of abolishing the Stamp-Amendment, to lay returns on the Table—Division, List, &c. .. 1162

Dismissed Officers—Motion by Sir E. Codrington .. 1184

Survey of Church Lands—Motion for copies of Parliamentary Surveys—Debate adjourned 1199

Prison Discipline (Scotland)—Bill to improve Gaols brought in and read a first time 1201

14. Business of the House 1208

Canada—Committee on the Resolutions proposed by Ministers—Division on the Resolution concerning the Legislative Council 1209

Survey of Church Lands—Motion for a Copy of the Ancient Survey 1293

17. Brighton Railway—Adjourned Debate resumed—Committee refused 1301

Breach of Privilege—Poor-law Committee—The True Sun .. 1305

Breach of Privilege—Explanation of Sir Edward Codrington in relation to Sir Pulteney Malcolm—Difference between Sir Edward and Sir James Graham 1306

1837. Page

Affairs of Spain—Sir H. Hardinge's Motion—Debate adjourned 1330

April 18. Breach of Privilege—Publishing evidence taken before a Committee—Case of the True Sun—Debate postponed .. 1391

Affairs of Spain—Adjourned Debate resumed and again adjourned 1394

III. Lists of Divisions.

March 7. The Ayes on the Ballot Question 67

The Noes 69

8. The Ayes on the Canada Resolutions 144

The Noes 146

9. The Ayes and the Noes on the question concerning Texas .. 202

The Ayes and the Noes on Leave to bring in a Bill to Repeal the rate-paying clause of the Reform Act 206

11. The Ayes and the Noes on the Motion for a return of Midshipmen and Officers promoted 290

14. The Ayes and the Noes on giving leave to bring in a Bill relative to Municipal Corporations (Scotland) 456

15. The Ayes on the Ministers' resolution concerning Church-rates 549

The Noes 551

16. The Ayes and the Noes on the abolition of the Corn Laws—Mr. Clay's Motion 615

20. The Ayes and the Noes on Mr. S. Crawford's Amendment to the 96th Clause of the Corporations (Ireland) Bill relative to the appointment of Sheriffs 674

21. The Ayes and the Noes on adjourning the Debate on the Manufacture of Foreign Corn 690

The Ayes and the Noes on the Motion for returns of Men-of-War wrecked 694

The Ayes and the Noes on reporting progress on Imprisonment for Debt Bill 700

1837. Page

April 4. The Ayes and the Noes on Primogeniture .. 740

The Ayes and the Noes on appointing a Committee to inquire into the Case of the East-India Maritime Officers .. 763

5. The Ayes and the Noes on reducing the salary of the Commander-in-Chief 791

The Ayes and the Noes on the vote for the Yeomanry .. 795

The Ayes and the Noes on the Hackney Coach Bill .. 796

6. The Ayes and the Noes on the Commander-in-Chief's pay .. 822

The Ayes and the Noes, two Divisions, on Imprisonment for Debt 833

The Ayes and the Noes on Military Punishments .. 905

10. The Ayes on the Adjournment of the Debate on third reading of Municipal Corporations Bill (Ireland) 997

The Noes 999

11. The Ayes on the third reading of the Municipal Corporation Bill (Ireland) 1110

The Noes 1113

12. The Ayes and the Noes on Severn Navigation Bill .. 1121

The Ayes and the Noes on County Rates' Bill .. 1149

13. The Ayes and the Noes on Motion to appoint a Committee to inquire into the effect of the Penny Stamp on Newspapers .. 1183

The Ayes and the Noes on the Motion for Returns concerning dismissed Officers 1198

14. The Ayes on the fourth Canada Resolution .. 1290

The Noes on the same Question 1292

IV. PROTEST.

April 11. Against postponing the Universities Statutes' Bill for Six Months 1042

HANSARD'S

Parliamentary Debates

During the THIRD SESSION *of the* TWELFTH PARLIAMENT
of the United Kingdom of GREAT BRITAIN *and*
IRELAND, *appointed to meet at Westminster,*
31st January, 1837,
in the Seventh Year of the Reign of His Majesty

WILLIAM THE FOURTH.

Second Volume of the Session.

HOUSE OF LORDS,

Tuesday, March 7, 1837.

MINUTES.] Bills. Read a third time: — Lease-Making (Scotland); Scotch and Irish Vagrants; Universities, Colleges, and Halls.

Petitions presented. By the Earl of SHAFTESBURY, Lords ELLENBOROUGH, ASHBURTON, the Bishops of BATH, WELLS, RIPON, and Viscount EXMOUTH, from Rumney, Hastings, Malmsbury, and various other places, against the Abolition of Church Rates.—By Lords DACRE and HOLLAND, from Leicester, Worcester, Harlow, and other places, for the Abolition of Church Rates.

CHURCH-RATES.] Lord *Ellenborough* wished to ask the noble Viscount (Melbourne), whether the calculation which showed that by the operation of the proposed Bill for the management of Church property, there would be placed at the disposal of the Commissioners 250,000*l.* to provide for Churches — whether that calculation rested upon the supposition that all the conversions of the leases into perpetuities took place immediately?

Viscount *Melbourne* apprehended that the calculations were not made on the supposition that all the conversions would take place immediately. The question was one of detail, but he imagined that those who did not convert their leases into perpetuities immediately would have to pay an increased rate for their conversion.

Lord *Brougham* did not quite agree with his noble Friend that this was matter of detail—not that he was going to oppose the measure; but he should like to know whether, according to his noble Friend's conception, the lessees would have the option of not renewing under the Deans, Bishops, and so on, if they pleased, till the very last year; or if they pleased, to suffer these leases to expire? From what his noble Friend said, he took it for granted that they would have that option, which he did not understand.

Viscount *Melbourne:* No, certainly not. They would not have that option.

Lord *Holland* said, that all the statements required would be laid on the table before the Bill was introduced in that House. It was important that they should be.

Lord *Brougham* said, that he agreed with the noble Lord opposite as to the necessity of having the papers as soon as possible.

Lord *Ashburton* said, that the measure was one of the greatest importance, and there were so many vital interests involved in it that he considered they should have some correct calculations upon which to proceed. He did not then want to discuss the general principle of the measure, but he wished to learn if the calculations upon which the measure was founded were borne out. As for himself, he would say, that considering these calculations did not depend on any improvement in Church-lands—for he had not heard that they did not at present afford as ample produce as could be expected—considering this, it appeared to him, that the calculations were founded upon some conjuring, some contrivance, in the distribution, by which the value of Church-lands was to be differently appropriated rather than increased. He could not see how, by any contrivance of that nature, the value of these lands could be increased; he would as soon believe, on the showing of Mr. Finlayson, or any other calculator, that four persons could sit down to a game of whist and all rise up winners. But the measure was one which had been introduced by Government, and it would be presumptuous for him to say now that the calculations were incorrect upon which it was founded—he would state, however, that it was desirable their Lordships should be put in possession of those calculations as soon as possible.

The Marquess of *Lansdowne* said, that all the calculations upon which the measure was founded had been made with great care, and the object which the House had was doubtless to be in possession of the requisite information when the Bill came up to their Lordships' House. But at present he could not say in what shape the Bill would be sent up to them, or how the calculations might be made to bear on it in the other House, where it was the duty of Government to give that information upon which it might either be adopted or rejected.

Lord *Ellenborough* feared that something which had fallen from the noble Viscount, was calculated to create great alarm in the lessees of the Church who were to be dealt with by this plan; for as he understood the noble Viscount, it contained penal terms as to those persons who refused to accede to the proposition contained in it. The terms now offered, according to the plan disclosed a few nights ago, to the lessees under the Church of England, were 100 per cent worse than were given to the leaseholders of the Church of Ireland under the Church Temporalities Act. That was the sort of justice it was proposed to deal out to the Church of England. Another disadvantage which the English lessee laboured under was, that he was forced to come into the plan, while the Irish lessee was allowed to choose by clauses in the Bill. It was most essential to have a discussion upon the principle of the measure on the first opportunity, so that those interested in it might understand its provisions.

The Marquess of *Lansdowne* said, if any inconvenience or alarm resulted from the statement of his noble Friend, it would arise from his having been induced to answer the isolated question put by the noble Baron, when he had not the opportunity of going into the plan fully. He trusted, that after the observation of the noble Baron, his noble Friend would decline to answer any more questions on the subject till it came regularly before the House. He would only say, that the interests of the leaseholders had been very carefully considered, and he did not apprehend that any penal consequences would result from it which were calculated to alarm those individuals.

Lord *Hatherton* thought that his noble Friends acted with much discretion in refusing to answer the questions which had been put to them. He would only remind the noble Lords opposite, that the discussion in the other House was not yet finished, and that it had been adjourned at the express wish of the leader of the friends of the noble Baron (Ellenborough) in the other House.

Lord *Brougham* presented a petition signed by 6,000 persons, many of them Churchmen, praying for a total repeal of Church-rates. He did not wish to renew the discussion, if such it might be termed, which had just terminated. He was perfectly aware of the difficulty the answering such questions produced. He felt himself obliged, however, to draw the attention of the Government to one portion of the measure, in order that they might give it their consideration and amend it, for he was of opinion it was decidedly bad. He meant that portion which regarded the lessees of the Church. He was of opinion, that it ought to be left optional to them to renew with the customary fines. In the case of mines and minerals, for instance, in the bishopric of Durham and Northumberland, which was pretty nearly the case of lands held in and near towns, it was well worth a person's while to pay a sum of money for the mineral land. He thought, however, it might be so arranged in detail as not to impede the working of the plan, making it a matter of contract, in each particular case, between the Commissioners to be appointed and the lessees, subject to certain rules and regulations. His noble Friend on the Bench opposite asked, how it was possible anybody could gain by the measure, if nobody were to lose by it? He thought a little consideration of the present state of the property of the Church would suggest the answer to his noble Friend. At present, a lease could not be granted for a longer term than twenty-one years without an Act of Parliament. If, however, having the power of granting a lease for ninety-nine years in place of only twenty-one enabled the lessor to obtain, instead of 5*l*. or 10*l*. per acre, from 1,500*l*. to 2,000*l*. the case put by his Majesty's Government would be satisfactorily made out.

The Bishop of *Exeter* said, the noble and learned Lord, having occupied a high judicial situation, was very competent to form a judgment on the relative rights of parties; and he trusted, that as he had so correctly and forcibly stated the rights of lessees, he would be found, when the time arrived to discuss the question, if, indeed, it ever arrived, equally ready to do justice to the other parties—the lessors. He had no doubt it would be present to the noble and learned Lord's mind, that the restraint upon the Church from granting leases was for a specific object, namely, to protect the permanent interests of the Church, and to prevent holders of Church property from wastefully throwing away that property, according to the present annual value. That was the reason why Sir John Smith introduced a statute in the reign of Queen Elizabeth to protect the interests of the Church. The true principle, in his opinion, was to remove the restricting power *pro tanto*, and to enable the Church to grant building leases.

Lord *Brougham* felt honoured by the observations of the right rev. Prelate, and could have no hesitation in replying to him by an assurance that he should apply his mind to the consideration of the question, with a resolution to do justice to the lessors as well as lessees. If the right rev. Prelate meant by justice to the lessors a resistance or opposition to the measure' as it was understood to be founded, he (Lord Brougham) would only say, that he had directed his attention about three or four years ago to another subject in many particulars the same, both in that House and in conjunction with his then Colleagues in the Administration, and that on the fullest consideration, viewing the rights and the interests of all parties, they came to a clear and unhesitating, but nevertheless a deliberate opinion, that the rights of the lessors would not be impaired, and that justice would not be sacrificed by the principle of the measure. He would say with great diffidence, a diffidence becoming in any person when the subject was so important, that the case as regarded its justice was perfectly clear. It appeared to him that the measure, in its fundamental principles, and with the exception alluded to respecting the lessees, in no respect whatever sinned against right, or justice, or principle.

Petition laid on the table.

HOUSE OF COMMONS,

Tuesday, March 7, 1837.

Minutes.] Petitions presented. By Mr. Potter, Mr. T. Duncombe, Mr. Grote, Mr. S. Crawford, Mr. W. Roche, Mr. C. Buller, Mr. Jephson, Mr. Leader, Mr. Tooke, Mr. Holland, Mr. Robinson, Mr. Bodkin, Mr. Pryme, Mr. Roebuck, and Mr. D. W. Harvey, from Chelmsford, Richmond, York, Oxford, Knaresborough, Liverpool, Leominster, Liskeard, Norwich, Derby, Cork, Maidstone, Tunbridge, and various other places, for the Ballot.—By Mr. Alderman Wood, from Gloucester, to the same effect.—By Mr. Roebuck, from Cockermouth, for Universal Suffrage, Abolition of the Property Qualification of Members, and for the Ballot.

Trade with Java.] Mr. *Patrick M. Stewart* begged to ask the noble Lord, the Secretary for Foreign Affairs, if he had arranged with the Dutch government the terms of the treaty of 1824, and if an indemnity had been insisted upon with respect to the excessive duties charged? He wished to know, first, whether he had been enabled to prevail upon the Dutch government to adjust the duties, present and prospective, in strict conformity with the terms of that treaty; and secondly, whether he had been enabled to convince the Dutch government that they were bound in honour and fair dealing (the latter they should understand) to refund the excessive duties charged, amounting to half a million sterling?

Viscount *Palmerston*, in answer to his hon. Friend, regretted to say, that the old observation was in this case verified, that nothing was more difficult to convince a man of than the truth that would deprive him of a profitable injustice; and he regretted to say, that the Dutch government formed no exception to that rule. No doubt the construction the hon. Member had put upon the treaty, was the true and the just one. He had endeavoured, ever since the question had been first started, to convince the Dutch government that its construction of the terms of the treaty was erroneous, and not conformable either to the letter or the spirit of the treaty. He had received a private communication that a tariff had been issued in Java, placing the difference of duty upon the difference of national flags; but he had not been able to obtain any official communication from Holland to that effect. So far with regard to the first branch. The result had not been stated in any communication with the Dutch government on this subject, but he had reason to hope that they had come to the determination strictly and literally to execute the treaty. With regard to the second branch, that, of course, could not be brought to a conclusion till they had disposed of the other branch of the question. He had announced to the Dutch government that they would insist on their claims, not only for the future, but also upon a restitution for the past. Though the second branch, therefore, was postponed till after they had settled the first, he could assure the House that it would not be abandoned.

Sir *Robert Peel* presumed, that the noble Lord would not have the least objection to lay the tariff upon the table. The grounds of the treaty that had been alluded to were, that where these goods were imported free from Holland 6 per cent was to be charged upon goods brought by British vessels; and where 6 per cent was charged upon goods brought by the Dutch, double that was to be charged on the British. Was the noble Lord prepared to lay the new tariff in an official form before the House?

Viscount *Palmerston:* The treaty was, that goods imported into Java by British subjects, and by British vessels, should pay twice as much duty as goods imported by the subjects, and in the vessels of Holland; and where there was no duty levied upon articles imported by the subjects and in the vessels of Holland, there should only be a duty of 6 per cent levied on English goods. The Dutch wanted to make the difference of duty depend, not upon the nationality of the vessels and importers, but on the nationality of the goods themselves; that was to say, they wanted the difference to apply to Dutch goods if imported in English vessels. He had not received this information, as yet officially, and therefore could not as yet lay a copy of the treaty on the table; but he had instructed the minister at the Hague to apply for the treaty.

The Ballot.] Mr. *Grote* spoke as follows:—Mr. Speaker, the subject on which I am about to address you, stands described in your paper of notices for this evening. It is one which I have already more than once submitted to your attention, and I propose on the present occasion to move, as I did last Session, for leave to bring in a Bill for taking votes by Ballot, at elections for Members of Parliament. Impressed as I am, Sir, with a deep conviction of the importance of the measure which I recommend, I entreat your patient attention while I set forth the grounds of my recommendation; and I shall promise neither to detain you for any great length of time, nor to overstep by one hair's breadth the strict limits of the subject. It is not my intention to trouble you with the details of the Bill, which I should propose, if leave were granted to me, to lay upon the table of the House. I shall content myself with stating, in general terms, that there are no great or insurmountable difficulties in providing effectual machinery for carrying the principle of the Ballot into execution. It is easy to devise means of rendering the process of voting by Ballot so short and so simple, that no voter in the community, however uninstructed, can be at all embarrassed in performing it; while at the same time full security is taken that the act of voting in the case of every voter shall be entirely secret and undiscoverable. Though I am perfectly prepared to enter into these explanations of detail, when the convenient season shall arrive, I think it best to omit them for the present; the more so, as I could not perform the task without occupying more of your valuable time than I am at all entitled to demand. Sir, if I were discussing the comparative advantage of open or secret suffrage, considered simply and exclusively as modes of voting, I should be enabled to prove to you that the Ballot, considered on this ground alone, presents the clearest title to your preference. It disengages you altogether from that disorderly tumult and vexatious obstruction which is inseparably connected with the pronunciation of a candidate's name at the hustings, and with the continuous proclamation of the varying state of the poll. It secures to you the inestimable advantage of quiet, gentleness, method, and propriety from the beginning to the end of the ceremony of polling. But, Sir, I do not rest my proposition exclusively on this narrower ground. My main purpose is, to procure free, sincere, and independent voting—to get the sense of the community fairly and freely taken. I desire, above all things, to protect the individual voter against seduction or coercion from without, in the exercise of his franchise. I desire to guard the nation at large against fraud and spurious returns, in collecting the aggregate sentiments of the electoral body. Your present system shamefully fails as to both these important points. I contend that you will attain neither of them without the Ballot. At the first statement, Sir, of the objects which I aim at, it should seem that I ought to have every man in the community heartily conspiring with me for the attainment of it, at least, every sincere politician, whether he be Whig, Tory, or Radical; for how can any man repudiate the principle of general freedom of votes, without assuming to himself a despotism little less monstrous than that of the ancient inquisition in matters of religion? What more will any man venture to demand, except that he shall be allowed full liberty of expressing his own opinion in his own vote; and is he not bound, as an essential condition of his own freedom in this respect, to accord the like to every other elector whatever? Besides, Sir, apart from such considerations of individual arrogance, look at the matter in a public point of view, and see whether the same principle is not forced upon us by reasonings the most evident that can be imagined. What is the public object for the accomplishment of which elections are instituted in England, as well as in every other country where they are known? It is, surely, to collect the sense of the people. Allow me to read to you a few words out of Mr. Burke's *Thoughts on the Causes of the present Discontents* (page 304):—

"It is material to us to be represented really and *bona fide*, and not in forms, and types, and shadows, and fictions of law. The right of election was not established merely as a matter of form, to satisfy some method and rule of technical reasoning; it was not a principle which might substitute a Titus or a Mævius, a John Doe or a Richard Roe, in the place of a man specially chosen—not a principle which was just as well satisfied with one man as with another. It is a right, the effect of which is to give to the people that man, and that man only, whom by their voices, actually and not constructively given, they declare that they know, esteem, love, and trust. This right is a matter within their own power of judging and feeling; not an *ens rationis*, or creature of law; nor can those devices, by which anything else is substituted in place of such actual choice, answer in the least degree the end of representation."

Now, Sir, take the right of election, as it is here described in the forcible language of Mr. Burke; and let me ask, how can you give effect to that right, if the votes of electors be not fairly and freely taken? How can you find out "that man, and that man only, whom the people know, esteem, love, and trust," if the mode of election be such as to deter electors from telling you their real minds? Let me not be accused, Sir, of trifling with your time when I presume thus emphatically to remind you that free agency is the very soul of voting. However little such a proposition may be controverted in words, verbal assent is far from being all that is required. You find freedom of election recognised in the law books as the normal state of the constitution: nay, you find it not only formally announced, but loudly extolled as the safeguard and bulwark of English political liberty. But, Sir, the more forcibly we are touched with the solemnity of these declarations of right, the more we are delighted with the picture as we find it exhibited in books of authority, the stricter ought to be our watch that the reality as it exists corresponds with so pleasing a description. Now, let us look for a moment into the world without, and examine whether elections are really free, as our lawyers have directed and as our forefathers have promised and vowed that they should be? Let any man examine candidly, and he will see that no two things can be more diametrically opposed than the profession and the reality. The pretence is freedom of election—the reality wide-spread coercion and servitude. In profession, dependence of the voter is unknown; in practice, it prevails at all times and every where. Listen to the panegyric of Blackstone, and you will be beguiled into the belief that every man's vote is his own vote, the outward manifestation of a free and living conscience within him; descend into the committee-room, or accompany the canvassers in their progress at an election, and you will find that it is not modes of persuasion, but modes of compulsion or seduction, which they rack their ingenuity to discover. First, the method of acting upon an elector's fears; next, that of acting upon his hopes; last of all, that of acting on his heart and understanding. These, Sir, are the tactics of electioneering genius—they are the varieties of that which is commonly known by the plausible and deceitful name of influence. The wide extent of this unrighteous interference, and its encroachment on the freedom of the elective franchise, was so forcibly described in a speech delivered last year by the highest authority—the present Prime Minister of England—that I shall beg permission to borrow from that speech a few sentences of no ordinary moment. It is thus that Lord Melbourne expressed himself last year:—"The great disease of society, the great impediment to quiet government, the great evil of the day, the greatest prevailing abuse at present is, that every one thinks he has a right to employ his influence over another; each practises it, and each exclaims against its practice in a third person. The landlord enforces it on his tenant, the customer over his tradesman — they force conscience, and they drive persons against their will to the poll, to vote contrary to their own wishes. I say, then, that upon whatever side this influence is exercised, it is a cruel tyranny, and a gross injustice. I say that it is a great evil; it is one, too, prevailing in a greater degree in this than in any other country; and in no other country but this, where there is a popular form of Government does it prevail." Sir, these are memorable words, and I am enabled to cite not only the authority of Lord Melbourne to my present purpose, but also that of Lord Brougham; and I cite both these distinguished authorities with the greater confidence, in proof of the actual state of fact, because I know that both of them are unfavourable to the mode of remedy which I recommend. In an article in the *Edinburgh Review* for January, 1833, universally understood to have been written by that learned Lord, and written, I may add, in direct hostility to the Ballot. The extent of intimidation at elections i described in language which it is impossible to surpass; the coercion which had been resorted to at the first election after the Reform Act, then just terminated, is depicted in the most revolting colours. Here are distinguished testimonies, such as can neither be denied nor eluded, respecting the actual state of the electoral world. Be it remarked, too, that they demonstrate this important fact—that intimidation of voters has become greater and more notorious since the passing of the Reform Act. But, Sir, I may dispense with the necessity of quoting individual testimonies in proof of such a conclusion, for the reports of Committees of this House afford materials sufficient for the most insatiable appetite. I pass over those Committees which you have named, for the purpose of investigating the proceedings of particular boroughs; though these are neither few in number, nor insignificant in their results. I confine myself to the Report of the Committee appointed generally on bribery and intimidation at elections; and I scruple not to affirm, that the evidence taken before that Committee fully bears out the worst statements that have ever been made respecting the extent of undue interference in elections. A large number of respectable witnesses from all parts of the kingdom were examined before that Committee, and the facts set forth by them, illustrate the working of evil influence over electors in all its shapes and varieties. Follow the series of evidences in this volume, Sir, and you will see that wherever any man possesses the means of inflicting injury upon another, or withholding benefits from him, the power is made subservient to electioneering purposes. It is thus that landlords deal with their tenants, customers with their tradesmen, employers of labour with their labourers, and in like manner every class of persons whose social position gives them a grain of ability to oblige or annoy their neighbours. Sometimes these influences are put forth more openly, sometimes more covertly, as the case may be; but, in substance, the intimation is always the same—"Vote as I desire, or it will be worse for you if you do not." In Ireland, from which country many of the witnesses examined before the Intimidation Committee were taken, the distemper is the same in kind, but of exaggerated malignity; the coercion over electors is more terrific and undisguised; and the condition of the poorer class of electors under these circumstances is depicted in more than one instance, as little less than pitiable. You will not wonder, Sir, that in such a state of feeling, and with such an absence of protection, every species of fraud and wrong is committed on the aggregate result of elective franchise. It stands proved, that numbers of electors are constrained to vote in opposition to their real sentiments; and many others suffer loss and injury, because they will not submit to this means of escaping it. It is proved, moreover, that many electors are deterred from voting at all, while no inconsiderable portion of qualified persons consider their franchise as an inconvenience, and decline to put themselves on the register; and it is well worth your attention, Sir, that this is an evil not in course of diminution, but in course of increase—of marked and rapid increase. The threats of expulsion of tenants, realised in the awful sentence, *hæc mea sunt, veteres migrate coloni*—the resolutions of exclusive dealing—are more rife and more violent than ever. If we only advert to the recent election in the county of Longford, we shall find an extremity of terrorism and a fierceness of menace almost without parallel. As to exclusive dealing, the leading organs of Tory principles are found preaching it systematically and universally. In *Blackwood's Magazine*, and in the *Quarterly Review*, exclusive dealing has been insisted on as a matter of strict political obligation; the maxim which they appear to enforce is, without reserve, whoso will not vote as we bid shall be unto us as a stranger and sojourner. In some towns, so great has been the anxiety to secure the thorough-going operation of the principle of exclusive dealing, that lists of tradesmen voters on one side or on the other have been printed and circulated for the use of intimidators—lists of tradesmen to be patronised or avoided. I hold in my hand, Sir, a printed list of this kind, printed by some zealous Conservatives of the town of Cambridge after the last election. It is entitled "An Alphabetical List of the Cambridge tradesmen who supported the Conservative Candidate at the last election, which took place on the 7th and 8th days of January, 1835. The persons whose names are preceded by an asterisk divided their votes in favour of one of the Radical Members." The list is most accurately classified and subdivided, according to the various trades of the voters; there are no less than seventy-six different trades enumerated, amongst which the voters named, being 441 in number, are distributed: and I shall only add, that I am informed the list has been but too rigidly and exclusively adhered to in apportioning the custom of members of the various colleges in the University. I am sorry that I am unable to mention the name of the printer by whom this list was put in type; but I do not find the name of the printer specified any where. At the close of the list I find the following paragraph:—

"When we observe the diabolical spirit with which the Church of our forefathers and the glorious constitution of our country is assailed, and see that our enemies are banded together to raze them to the dust, we think that the present list of the supporters of Church and State principles in the town of Cambridge is not altogether uncalled for. We believe that many whose names do not appear in this list have deserted the ranks of our opponents, and joined ours; but as their opinions are not upon record, we do not think ourselves justified in making them public at present, although, in a short time, we hope to have the pleasure of doing so; as the time cannot be far distant when the reckless imbeciles, who changed their theoretical motto of peace, retrenchment, and reform, to the practical one of place, pension, and plunder, who now goad with tyrannic cruelty our starving countrymen must yield to make way for better and more honest men. An election will then take place, and, our friends shall have a new, and, we doubt not, a much amended list of the Conservative tradesmen of this borough, as speedily as possible after the poll is taken; the result of which we fear not, as truth must triumph, justice must prevail."

I make no remark, Sir, upon the style of this composition, emanating as it does from a soil so pre-eminently classical; I shall merely observe that it proclaims and instigates nothing less than a deliberate conspiracy against the freedom of the elective franchise, and I believe that the right hon. Gentleman who represents Cambridge has been told, as well as I have, of the use which has been made of the list in that town: at least, his supporters know it, and feel it to their cost. I cite it as one amongst many evidences to prove that the practice of exclusive dealing, as a means of perverting the suffrages of voters, is working itself more and more into the habits of wealthy and powerful men, and tends to become more and more the established resource of those who can employ it with effect. Sir, I think it impossible that any man who will candidly weigh these evidences—I may say, any man who will take the trouble to recollect his own experience and observation—will rise and state that elections, as now conducted, are free and pure, or that they are at all likely to become so for the future. It cannot be superfluous, therefore, either to remind you of the magnitude of the evil, or to suggest new precautions for eradicating it. Now, Sir, the one and only precaution which my humble ingenuity can discover is the Ballot; and I declare with perfect sincerity, that I am ready to lay it aside if any other mode, equally effectual for attaining freedom and purity of election, can be pointed out to me. But I listen in vain for any such hint; out of the infinite number of Gentlemen who oppose the Ballot, not one can disprove the existence of the evil complained of, not one will condescend to start the idea of any alternative remedy. What then remains for me, except to cling to my own proposition with increased tenacity, and to enforce it again and again on the House, and on the public? Surely, Sir, the House will not so far abdicate the greatest of all functions, as to tolerate and connive at the continuance of those monstrous enormities in our electoral system, which have now become matters of such disgraceful notoriety. He who allows oppression shares the crime, and we shall indeed show that freedom of election has become vile and worthless in our eyes, if we reject every proposition calculated to rescue it from those iniquitous practices by which it is now subverted. The measure which I propose to you, will accomplish this end with perfect certainty; I say it confidently before you. Make the suffrage secret, and you at once make it free, beyond all possibility of disappointment. The snares by which electoral independence is beset, the menaces by which it is overborne and prostrated, will all be defeated by a system of secret suffrage. The Ballot will be an act of emancipation for all dependent voters; it will protect them against every variety of the many-headed principle of intimidation, whether arising from a persecuting superior, from the artificial force of a combination, for exclusive dealing, or from the violent hostility of an excited neighbourhood. My scheme of protection is equal and universal, for all classes in society, and for all shades of opinion in politics. I wish to guarantee free and unembarrassed voting to every elector, be his politics what they may; and I am very sure that there is no other way of accomplishing this except by means of the Ballot. To secure perfect freedom of election, by a method so simple, and an innovation so moderate, as that of Vote by Ballot, is surely an experiment well worth trying. And can there be any expedient more gentle and harmless in its working than that which I present to you? It trenches upon no man's rights; it alters no man's proper position; it creates no new privilege; it inflicts no disfranchisement or degradation. When the amount of existing evil is so great and so serious, it would be well worth your while to purchase an efficient remedy, even at the cost of strict prohibitions and severe penalties. But the remedy which I propose involves neither vexatious prohibitions, nor a single grain of penalty. I do not ask you to enact sharper laws against bribery and intimidation, but I shew you the means of preventing them. The Ballot affords the fullest measure of relief, by its own self-acting operation, without the uncertainties of legal process, and without the bitterness of punishment. You have made several valuable improvements of late in the mode of conducting the poll, in the time which it is allowed to last, and in the subdivision of polling districts, all tending to make the process of voting more convenient and less toilsome. This is very well, but is it not a far more pressing necessity that you should study the means of making the process of voting free and pure? If it be useful, as assuredly it is, to provide that the voter shall not be required to travel more than a certain number of miles to the poll, is it not much more essential that he should be emancipated from all constraint, and preserved from all intimidation when he arrives there? Unless this be done, you may carry the detail arrangements of voting to what degree of perfection you please, still the result will be untrue and unfaithful; you will not reach that which is the only ultimate purpose of every elective system—that which was the great promise and watchword of the Reform Act—the clear expression of the confidence of the people. There are some Gentlemen who tell us that they are averse to any theoretical or organic reforms, but that they burn with zeal for the removal of all proved abuses. Let such persons, Sir, peruse the Report of the Intimidation Committee, and I promise them that they will find therein an ample harvest of proved abuses—a harvest rank, and pining for the sickle. Are not the evils of open voting completely practical, and fearfully manifest? And shall the remedy against such evils be dismissed as an idle and irrelevant proposition, not bearing upon the actual state of society? Sir, I say, that we ought to be thankful if there be any improvement in the mode of voting within our reach, calculated to remove one-tenth part of these mighty mischiefs. I am prepared to prove, that the Ballot will go far to abate the whole of the mischiefs, and, therefore, that it is among the most practical of all practical measures. From whence is it that election abuses in all their grossness and variety, at least three parts out of four, take their origin? It is from some species of force or constraint put upon the will of the voter; from the struggles of extraneous tyranny to grasp his vote, without the smallest reference to his own consent or inward preference. Now, will any man tell me that such attempts at compulsion can possibly be continued, when you shall have adopted the Vote by Ballot? Will any man tell me, that the menaces and the violence now employed against the open voter, will still remain in fashion as a mode of attack against the secret voter? Sir, I do not hesitate to say, that the supposition is inconceivable. A man voting secretly is out of the reach of all assailants; he is master of his own conduct, let the intimidator bestir himself as he may; no individual consequence, good or bad, can be made to attach to the way in which his vote is given. Intimidation against electors will cease, because it will become entirely useless—because it will conduce to no man's profit or power. I need not remind the House that the surest mode of warfare against crime is to disappoint the criminal of his expected booty. Now, Sir, if Gentlemen will lay to heart the multiplied enormities detailed in the Report of the Intimidation Committee, and will recollect at the same time, that the large majority of them will be altogether banished by secret voting, I confidently affirm that they must agree with me in calling the Ballot a measure not only of extensive benefit, but even of urgent necessity. It is not upon any light prejudices—not upon any partial or fanciful objections—that they ought to turn away so healing a remedy from their lips. But what are those objections against he Ballot, which outweigh its direct and ndisputable benefits, and which induce Gentlemen rather to perpetuate the vast catalogue of evils which stare them in the face, than recur to the infallible corrective of secret voting? Some objectors seem to turn with horror from the task of reasoning on the subject; they talk as if the very mention of secrecy were an insupportable dishonour. It may be convenient to hold such language, when the object is to decry the Ballot; but I shall never believe that any one of the disclaimers against the Ballot, entertains a real belief that secrecy is dishonourable. Why? Because their actual proceedings prove the contrary. Is there a man living who feels dishonoured while voting by Ballot in his club, or in any private association of which he may be a member? On the contrary, the practice of secret voting is invariable among the most honourable men of the land—among men of all classes in society, and of all political parties—among noble Lords and Gentlemen in the fashionable clubs, as well as artisans in their unions, and labourers in their benefit societies. In every private association, without exception, the Ballot is adopted as the only sure method of sincere, independent, unembarrassed, expression of opinion. What better proof can you have, that there is nothing in the practice which conflicts with the moral feelings of any man? What better proof can you have that the effects of the Ballot are not only uniform and unerring; but also clearly understood and familiar to all classes of the population? I am fully justified, Sir, in asserting, on the authority of these extensive analogies, that the Ballot is an expedient known and proved by the fullest actual trial. That so far from being novel and un-English, as some persons have most preposterously alleged, it is notoriously conformable to English practice and English manners, and that, in advocating the extension of it to a new case, to which it has never yet been applied, I am only treading in the beaten path of sound and practical legislation. I am only demanding an ascertained remedy for the correction of ascertained evils. I know, Sir, that there are many objections made on various grounds to the Ballot; but is there any one of the objectors who disputes the fact, that the Ballot will infallibly bring about fair and free election? Well, then, if this be the indisputable truth, that the Ballot will procure freedom of election, I contend that my case is proved; for, in an inquiry relating simply to the best mode of taking votes, whatever best conduces to the main purpose of election is incontestably right to be chosen. No, Sir, the objectors against the Ballot do not think it worth their while to break ground upon this the material point of the case; they put aside freedom of election as if it were a light and worthless consideration, and they attack my proposition on the plea of certain collateral consequences, which, if they could even be shown to be just and probable, would yet be totally foreign to the essential merits of the case in hand. For example, there is no ground of reproach more forcibly insisted on against the Ballot, than its alleged tendency to multiply false promises and false declarations. We are told that the voter will promise to vote for one man, and then afterwards vote for another; we are told again, that after having given his vote under favour of secrecy, he will declare that he has voted in a way contrary to the real fact. Now, Sir, thus much is unquestionably true, that, while speech is free, false promises and false declarations may be uttered, if individuals choose it, and, that on a matter known only to himself, a man may speak falsely, without being detected. What, then? Is it intended that there shall be no matters whatever discussed privately and confidentially because false statements may be made respecting them, the falsehood remaining undiscovered? Are we to have no such thing as sealed correspondence by the post, because a man may state one thing in writing to one person, while he communicates the direct contrary by word of mouth to another? The secrecy of the post opens a door to falsehood, just in the same way as the secrecy of the Ballot; but if I were to name any one act of despotic governments which excites peculiar abhorrence, it is the breaking the seal of private letters, and the violation of confidential epistolatory intercourse between man and man. And what, then, I pray you, would be thought of the impudence of any private individual who should claim the right to unseal his neighbour's correspondence, under pretence of taking security that no untrue assertions should be made to him about the contents of it? Such a claim, Sir, would be scouted as frantic impudence—but in what respect, let me ask, is the pretension less impudent when applied to voting at elections? When a man says, "I have a right to know how my neighbour votes, and if he is allowed to vote secretly he may deceive me; therefore, in order that I may not be deceived, you (the Legislature) must compel him to vote openly." Now, Sir, who shall deny that this is a claim monstrous and unjustifiable on the face of it? First prove to me, I say, that you have any right to know your neighbour's vote, before you claim to be invested with the power of looking over his elbow in order to discover it. I contend that you have no right to know it at all, against his will and consent—not the shadow or pretence of a right; he may disclose it to you if he pleases, but you must take your chance of his giving you false information, on a matter where he is fully entitled to withhold information altogether. You would have no right whatever to fish out your neighbour's vote against his wish, even if your motive were nothing worse than an innocent curiosity; how much less right have you to do so, when your motive is one of malignity and oppression? When you try to penetrate the secret of his vote, for the direct purpose of inflicting evil upon him, if he will not alter it at your bidding—when you are seeking to accomplish the double mischief of defrauding your country of an honest vote, and of turning the revelations of the voter to his own ruin? This, Sir, is the real purport of the complaints which you hear so loudly put forth against the mendacity of the Ballot—the outcry which is raised against it on the ground that it affords encouragement to lying. What are such complaints except the murmurs of disappointed tyranny, raised by those who are trying to extort confessions from a voter, with the express view of turning those confessions against him, and making them the evidence for visiting him with ejectment, or dismissal, or loss of custom? Persecutors, Sir, of every class, may well be angry with the Ballot, for it frustrates their mischeivous purposes; it enables the voter to do his duty to his country, without baring his bosom to the assault of private malice—and they find their account in denouncing the means of escape from wrongful persecution as if it were an encouragement to wrongful deceit. I do not stand here, Sir, as the defender of falsehood; but I will not shrink from saying, nevertheless, that if I am reduced to choose between the two evils—successful tyranny on the one side, and the success of falsehood, as a defence against tyranny, on the other—I will not shrink from saying, that the last is by far the least evil of the two. And is not this, Sir, the real alternative? Is it not the alternative to which mankind are always reduced, whenever the spirit of persecution, religious or political, has poisoned the hearts of the superior classes? The annals of past history present but too copious records of religious persecution, and what has been the uniform result? Some few resolute and heroic spirits have endured martyrdom rather than submit, even in appearance, to a creed which their conscience repudiated; but the greater number of the persecuted sect has evaded the tyranny of the oppressor, by rendering outward homage to the worship thrust upon them by force, while they reserved their own sincere and conscientious devotion to be offered in secret. Such has been the history of all persecuted sects—of the early Christians under the Pagan Emperors of Rome—of Protestants under Catholic persecution—as well as of Catholics under Protestant persecution—of Protestant Dissenters in England and Scotland, when the Church of England sought to put them down—of every religious sect, without exception, which has been proscribed by the abuse of sovereign authority. Now, Sir, is there any historian so bigoted as to revile these oppressed men for carrying on their own worship secretly, when they were prevented by violence from following it openly? Is it an unpardonable sin, when, under the pressure of penalties, they combine outward conformity with secret dissent? Sir, I venture to say, that there is no man of common generosity who will so treat it—there is no one whose wrath will not turn against the persecutor rather than against the man who is compelled to dissemble in order to escape persecution. Now, Sir, substitute the political for the religious conscience, and you have the precise case of the dependant elector voting by Ballot—you have the precise case of the tenant, who, to avoid ejectment and ruin, professes acquiescence in the unjust dictates of his landlord, while he avails himself of the Ballot to vote agreeably to his own real sentiments. Secrecy, Sir, is the refuge of the weak against the strong; and we are fortunate, indeed, when the injustice of the strong admits of being effectually defeated by secrecy, as it does in the case of voting. Deny to the menaced voter the refuge of secrecy, and what is the consequence? You secure the triumph of injustice—you strengthen the force of the political persecutor, for the worst of all purposes—you impart to him the hundred eyes of Argus, combined with the hundred arms of Briareus. No, Sir, this is neither genuine morality nor enlarged wisdom. Abolish persecution and injustice how and when you can; the sooner the better; but until you have, do not close up the only door by which the sufferer can escape them. Sir, when Gentlemen attack me on the ground that the Ballot has a tendency to cause false declarations or false promises, I might well rest my case in reply on the argument which I have just stated. I might well defend myself by saying, that such falsehood is the least of two evils, where there is only an alternative of evils to choose out of. But I shall not content myself with this reply. I can repel the attack still more effectually. Gentlemen tell me that the Ballot makes hypocrites. I tell them that open voting makes hypocrites—hypocrites at least as many in number, and much worse in kind; for what is an elector who votes against his conscience except a hypocrite? And will any man who has read the report of the Intimidation Committee deny that such hypocrites are made by thousands under the present system of open voting? Take the matter at the worst, the same elector who wou'd be a hypocrite under the Ballot, would also be a hypocrite under the plan of open voting. He now speaks truly, and votes dishonestly; under the Ballot he might speak falsely, but he would vote honestly; he now plays the hypocrite to his country, he would then cheat only the intimidator who had tried to suborn him. I repeat it again, Sir, no new hypocrisy is created under the Ballot—no additional falsehood whatever. The falsehood which it introduces is far more pardonable and less mischievous than that which it supplants. For if there be any one claim paramount and indisputable, it is the claim of the nation to require a sincere vote from every elector. Under open voting, the intimidator defeats this claim; under the Ballot he may indeed try to defeat it, but he fails; instead of causing a lie to be told to his country, he only causes a lie to be told to himself. Whatever may be the tone of morality current among those to whom free voting is bitter and distasteful, I shall not be afraid to declare, that an insincere speech made for the purpose of averting the unjust vengeance of an intimidator is, at least, a smaller evil than an insincere vote given by an elector to his country. But, Sir, I have taken the comparison most unfairly to my own case. I have taken the comparison as it would stand, if attempts to intimidate continued to be as prevalent after the introduction of the Ballot as they are now. It is time to ask, however, whether this would be the fact? Whether the attempts to intimidate would still remain when fashion had rendered them abortive, and destroyed all possibility of carrying them to a successful issue? I affirm that no such futile efforts will continue to be made; if common prudence be of any avail in governing the actions of men, none such will continue. For what man will be insane enough to waste his fire on a mark out of sight and out of reach? What man will commence the work of impotent intimidation, with the certainty not only of failure in his object, but of aggravated bitterness on the part of those whom he idly endeavours to overawe? It is not in nature, Sir, that such things should be. When the process of intimidation is forbidden to be consummated, it will no longer be begun—the trade will be at an end—a landlord will no more think of trying to coerce his tenant, than he now thinks of coercing any neighbouring gentleman, when the Ballot shall have rendered the vote of the one as independent as the vote of the other. Now, Sir, this is all that any man can desire; for let intimidation be discontinued on the part of the superior, and there will be no chance of insincerity on the part of the dependant. Sir, in endeavouring to make good my proposition of this evening, I have brought before you chiefly the evil of intimidation, the great and master evil by which the legitimate purpose of elections is now subverted. But there is also another mischief of considerable moment—the mischief of bribery. How will the Ballot affect bribery? Sir, I am prepared to show that the Ballot is the most powerful antidote against bribery which it is in your power to administer. To establish this conclusion, I should be quite content to take as my evidence the feelings of any mercenary elector. I do not believe that there is a single voter, accustomed to take bribes, who will not feel that his market is struck from under him when he is directed to vote in secret. His vote is at once redeemed from a certainty to a contingency—a contingency of which he can by no ingenuity convey any evidence; and this is but a sorry piece of merchandise when its value comes to be measured in money. Then, besides, the Ballot insures absolute ignorance of the state of the poll, from the beginning to the end of it. The candidate neither knows how many votes he has got, nor how many he will get; and he, consequently, has no means whatever of determining how many votes must be bought in order to procure a majority. How bribery is to be carried on at all, in the midst of such darkness and uncertainty, I know not; but sure I am that it cannot be carried on in the direct and easy manner that it is now; it cannot be transacted between individual and individual, a certain sum down without further condition, simply as payment for the single and separate vote. If bribery be continued at all under the Ballot, it must at least be done in a roundabout and uncertain manner, by promising a certain present to every voter who may apply for it, since friends will not be distinguishable from opponents, in the event of such or such a candidate being elected. Now, Sir, I confidently maintain that such collective bribery, in a constituency of tolerable magnitude is not within the range of possibility: and even in a constituency of limited extent, it is a practice fraught with danger and difficulty, presenting much less temptation to the voter who receives, and a great increase of hazard to the candidate who pays. It is not too much to say, Sir, that the Ballot would at least restrain bribery within the narrowest limits, if it did not abolish the practice altogether. And where does the fault lie, Sir, if some remnants of bribery should still remain alive even under a secret suffrage? Not in the inefficiency of the Ballot, but in the preposterous smallness of some of your constituencies. When Gentlemen tell me that the Ballot will still leave a door open for bribery in the smaller constituencies, what does their argument prove? It proves nothing at all against the Ballot, but it proves most forcibly, most conclusively, against constituencies of narrow extent. If you should find, after adopting the Ballot, that bribery still lingers among these narrow bodies, you can easily make your precautions complete by enlarging them. And I venture to promise that amongst a large constituency voting by Ballot, the effective employment of bribery will be nothing short of an impossibility. I know it is contended, Sir, by imposing authorities, that the voter holds his franchise as a trust, and that for the due exercise of that trust he must be held responsible to the public. Publicity of the suffrage, therefore, we are told, is indispensably necessary as a means for making him responsible. When Gentlemen speak of a due exercise of the franchise, I know not what else they can mean except the expression of a voter's sincere and conscientious opinion—the giving his vote freely and indifferently, *sine spe vel pretio.* To make him responsible to the public, therefore, for the due exercise of his franchise, is to make him responsible for voting in conformity with his own conscientious opinion, and not otherwise—it is to provide that he shall be perfectly secure and unharmed if he gives a conscientious vote, and shall incur the evil, whatever it be, consequent on responsibility, only in the event of giving an insincere vote. Impunity to the innocent voter—loss or sacrifice to the guilty voter, and to him only—these are the two ends which the publicity of suffrage must insure, if it is to make the voter responsible for a due exercise of his franchise. Now, Sir, let me ask, does publicity of suffrage insure these ends, both of them or either of them? Does it procure impunity for the innocent voter? Does it entail evil on the guilty voter, and on him only? It does neither the one nor the other: it is altogether impotent for the purpose of making the voter responsible for a due exercise of his franchise. Its real effect is to counteract the purpose of responsibility, and to create a factitious inducement against honest voting. It strews thorns in the path of the conscientious elector, and drives the man of feeble virtue into dishonesty against his will. Sir, I have shown you that publicity of suffrage does not in point of fact serve to make the voter responsible for a due exercise of his franchise. But I go farther, and I say that you cannot get any such responsibility, and you do not want it. The elective franchise includes at once a right and a duty—the right to express an opinion, coupled with the duty of expressing it sincerely and without reward. You may punish the voter for receiving or covenanting to receive any reward; but you cannot carry responsibility any further; you cannot make the elector responsible for voting ill. For where is the standard of voting ill? Among Tories to vote ill is to vote for a Whig or a Radical; among Whigs or Radicals, the reverse.

> "Ask, where's the North? At York, 'tis on the Tweed;
> In Scotland, at the Orcades, and there
> At Greenland, Zembla, or the Lord knows where."

The standard of good or bad voting is in an elector's own bosom. A right vote, to any man of any politics, is that which each of them thinks right; that which each delivers from his own unconstrained free will and sincere persuasion. Voting, Sir, is the business of the people directly and personally, not of agents delegated by the people; each individual elector forms one component unit amongst the mighty mass, and is required to deliver his own genuine opinion, in order that you may arrive at a correct total. How does this consist with the pretended necessity for responsibility? Why am I to be responsible to my neighbour any more than he is to be responsible to me? Am I bound to vote against my own conscience, because I may happen to differ with the majority around me? To acknowledge such a principle would be to annihilate the minority altogether, and to absorb them into the majority; it would be to frustrate the main object of the electoral process. I repeat it, Sir, that whether you look upon the franchise in its character of a right, or in its character of a duty—in both points of view the prime virtue of the elective system consists in collecting the opinions of electors with fidelity and independence; and looking to this end, responsibility in the elector to any extraneous authority, is a hindrance and not a help. I know, Sir, I shall be told that all this reasoning must be just, if every man in the community were a voter; but there are a vast multitude of persons who are not allowed to vote at all; and they (it is contended) would be deprived of all influence, and left without any security, if the qualified electors voted in secret. It is very true, Sir, that there are a large body among the population who are excluded from the franchise, and give me leave to ask how this happens? On what grounds is their exclusion defended? With what arguments should I be met, if instead of moving for the adoption of the Ballot, I were now introducing a measure for making the right of suffrage universal? Why, Sir, I should be told that the great body of the poor were debarred by indigence and excessive toil from all capacity of forming a just opinion on public affairs, or of discriminating between one Member and another. I should be told that a large proportion of them entertained sentiments hostile to the principle of property, and thirsted for the forcible equalization of possessions. I should be reminded, moreover, that the Reform Act had already enlarged the number of qualified voters to such an extent, as to make it certain that they could have no separate and sinister interest of their own, at variance with that of the entire community; and that these electors could not choose well for themselves without choosing well for their unrepresented brethren. Such, Sir, would be the case, points stated against me, if I were now advancing the proposition of universal suffrage. I do not at all mean to adopt them as my arguments. I pronounce no opinion on the subject, because it is not now under discussion; but I know that these are the grounds on which universal suffrage always is resisted, and, I will add, the only grounds upon which, on principle, it can be resisted. For if you once admit that the unrepresented classes are capable of that effort of judgment which is necessary for making a good choice of candidates, to exclude them from the elective franchise is a mere wanton insult. Now, Sir, assuming that upon these principles you are justified in disfranchising the non-electors, I affirm that all coercive interference on their part with the votes of electors can produce nothing but an unmixed evil. They cannot alter the choice of the electors for the better—if they interfere at all, they must alter it for the worse. Do you really believe that the persons who stand without your electoral circle are competent to control or amend the votes of those within it? Then, in common justice, admit them within it at once; for on that supposition, they are the superior party of the two. In short, Sir, by whatever line of argument you prove to me that the control of the non-electors over the votes of electors is good, by the same line of argument I engage to prove to you that universal suffrage is still better. You show no cause against the Ballot, but you show much in favour of universal suffrage. Do not let us commit the flagrant inconsistency of maintaining that the unrepresented many are at once capable and incapable—incapable of giving good votes themselves, but capable of causing good votes to be given by others—possessing no judgment of their own, but indispensably necessary for the purpose of dictating the votes of those who do possess judgment. Sir, I say, that to withhold the right of suffrage from non-electors, and yet to invite them to exercise coercive supervision over the votes of electors, is a proceeding as absurd and contradictory as it is mischievous. If the non-electors acted generally on your invitation, you would have practically the effects of universal suffrage, but brought about by the most violent and unwarrantable means. We have heard much, Sir, lately about the tyranny of the majority, and most preposterously indeed the expression has been applied. But if there be any case conceivable in which the intervention of the majority deserves the name of tyranny, it is the case now before you—where the non-electors assume to themselves a power of dictation or coercion over the freedom of individual suffrage. I recognize no right in any majority to overrule the free expression of individual conscience—*hic murus aheneus esto*—it is the principle of such compulsory interference which I am now combatting; let it proceed from what quarter it may—from a single person or from a multitude, it is nothing better than tyranny. And those who invoke and legalise the control of non-electors over the votes of electors, build upon a foundation alike unsound and unhallowed; they appeal from the righteous independence of individual choice to the collective violence of the majority. Sir, I am as anxious as any man to uphold both the social condition and the political guarantees of the unrepresented classes, and my own opinions (if this were a fit season for enforcing them) are favourable both to an extension of the suffrage to all householders, and to a better distribution of the constituencies. But I fearlessly contend, that the unrepresented classes have nothing to lose, and much to gain, by insuring that full protection and freedom which secrecy imparts to the elective franchise, even though they themselves are not allowed to exercise it. It concerns them much, that every qualified voter should be placed in circumstances the most favourable to an honest and conscientious use of his franchise; it concerns them much that the poorer voters should not be degraded into a state of subservience to the richer: it concerns them still more that the basis of the franchise should be kept at least as wide as it is at present, and the number of qualified voters at least as great—for it is upon this that the coincidence of interest between the voters and the people at large altogether depends. Now, Sir, it is one of the capital charges which I advance against the present system of open voting, that it practically contracts the right of suffrage in a prodigious degree —that it annihilates the independent will of a vast proportion of the voters on the register—that out of a catalogue of 800,000 ostensible voters, you find not above half that number exercising a real, effective, and untrammelled choice. Mischievous enough this is, Sir, in every respect; but, above all things, it is mischievous as it affects the comfort and security of the unrepresented classes. If the lawful extent of the suffrage, as it now stands, is not more than sufficient to assure the non-electors of perfect sympathy and identity of interest between the voters and the entire community, what does it become when the franchise is unlawfully contracted into still narrower limits? Adopt the Ballot, Sir, and you at least insure that the extent of suffrage which the law allows shall be a reality, and not a fiction;—you impart an independent power of choice to every voter in the catalogue;—you practically enlarge the franchise, compared with what it is at present, and you thus strengthen the union of feeling and interest between the electoral body and the people. Instead of depriving the non-electors of one fragment of security which they now enjoy, the Ballot will give them the maximum of security which your present electoral system admits of; Sir, it is not a little singular, that the same reasoners who affirm that publicity of suffrage is necessary for the protection of the unrepresented many, also contend that it is necessary for the purpose of attaching factitious dominion to the persons of the over-represented few. At one time you hear the Ballot assailed, because it will extinguish the influence of wealth; at another time, because it will entinguish the influence of disfranchised poverty. Now, Sir, how in the name of common consistency are these two reasons to be both maintained together? Admit the one, and you at once disallow the other. Do you insist that the elector shall be responsible to the people at large? Then, at least, you are bound to protect him against the tyranny of the great man in his neighbourhood. It is your opinion, on the other hand, that the vote of the tenant ought to be made over for the purpose of swelling the consequence of his rich landlord? Then, refrain from teaching him that he is responsible to the people. The two arguments literally destroy one another. But, alas! Sir, this responsibility of the voter to the people is never intended for anything real and serious: it is nothing better than a solemn fiction, dressed up to colour and disguise an unequal conflict between contending modes of intimidation — an alternation from one sort of tyranny to another. Open voting does carry with it a certain measure of coercion, occasionally exercised by clubs, or combinations of the unrepresented many, over the votes of particular electors; and it is this which Gentlemen are pleased to defend and extol, because it serves as a pretence for upholding the greater and wilder coercion on the part of the wealthy few. You are desired, by all means, to admit occasional intimidation from the poor, because the same door serves to introduce the systematic, the permanent, all-pervading, intimidation of the rich. Let me beseech you, Sir, to look for one moment at the condition of the voter, and see what a business voting is thus reduced to. Coercion over the voter by the poor non-voters—coercion over him by the rich —coercion by every one who has the power to coerce him—all is right, all is justified, on the principles which are resorted to in opposing the Ballot. Coercion and counter-coercion are assumed to be the essential and tutelary forces which keep the electors in their proper orbit. And all this while the professed purpose of the law is, that electors shall deliver their suffrage freely and indifferently! While the law punishes both the giver and the receiver of a bribe, under pretence that the freedom of election is a sacred and solemn thing! Why, Sir, on the reasonings of those who oppose the Ballot, everything like freedom or indifference of election is denounced and set aside—it is not even tolerated as a contingent good—it is banished as a positive mischief. One portion of the electors are to be deprived of their freedom because it is necessary to maintain the coercive force of the unrepresented many. Another portion of them are to surrender their independent choice, because the influence of property is to be preserved at all price, and because every rich man is entitled to confine within the sphere of his own attraction, a troop of electoral satellites. And thus between them both, the real holder of the franchise is robbed of everything like righteous liberty of conscience—he is degraded into the mere passive instrument of "pressure from without." Nor is this all; for it happens often, that the pressure from two opposing quarters is so violent, that an elector knows not which he ought to obey, and, indeed, cannot steer clear of loss and inconvenience, let him obey whichsoever he will. Sir, it seems to me, that on this theory the elective franchise is little less than a curse to those who possess it; they are forbidden to follow their own conscientious opinions, and they are left to enjoy neither the satisfaction of an independent judgment, nor the undisturbed submission of a slave. Sir, I have maintained before, and I now maintain again, that the Ballot will not deprive a rich man of one grain of influence which he has a fair title to enjoy. The Ballot will not lessen, in the remotest degree, the influence which he exercises, in so far as it consists with the free agency and spontaneous obedience of those who look up to him; and I cannot for an instant admit, that beyond this limit he is entitled to one particle of influence. I cannot for an instant admit, that we are called upon to provide him with the means of constraint and compulsion, or even to tolerate him in the employment of them, if by carelessness of the law, he has been allowed to get them into his hands. I confess, Sir, I think it is a valuable improvement, that the influence of property at elections should be made to depend less upon its positive amount, and more upon the means in which it is expended. And I know no method so likely to induce men of property to turn their leisure to generous and dignified purposes. I know no method so effectual to make them thirst for the esteem and respect of those around them, as by rendering that esteem the indispensable condition of their political influence. I have now, Sir, reviewed the principal objections usually urged against the Ballot; and when I consider how feeble and futile most of those objections are, I feel increased confidence in the justice of my cause—I feel increased assurance, that the measure which I advocate must continue to grow in the favour of the people. In enforcing my proposition, I have laid no stress on mere party arguments, for the cause does not need them. It is indeed my conviction, that the Ballot will work favourably to liberal politics, because I believe that the real opinion of the people is on that side; I believe that truth and justice is on that side—and sure I am, that whenever the opinion of the people is left to form and express itself without restraint, truth and justice must in the long-run prevail. But whether the opinion of the people is for me or against me, I demand at least that it shall be fairly and freely taken—rejoicing when it proves to be in my favour—prepared to submit and to wait if it be otherwise. And I feel, that in advocating the Ballot, I am upholding nothing less than the sacred right of free judgment, and free utterance in political matters; I am treading in the steps of those illustrious men, who have rescued the individual conscience from its trammels, and vindicated its liberty and inviolability in matters of religion; I am striving to baffle the guilty efforts of that spirit of persecution which still harasses the political world, and still defiles the sincerity and solemnity of the elective franchise. If, Sir, you can break the sword of the persecutor, and assure freedom of election, without the aid of the Ballot, proceed to the task without delay, for never was there a case of more pressing necessity. But when it is notorious that this cannot be done, and when the alternative of the Ballot is ready within your reach, I beseech you to consider whether you can, with a safe conscience, licence and perpetuate the countless mischiefs of an unprotected suffrage. The hon. Gentleman concluded with moving for leave to bring in a Bill.

Mr. *Hodges*, in seconding the motion, observed, that the working of the Reform Bill, under the system of open voting, had not been of a nature to satisfy the legitimate wishes of the people; and that it might ere long, perhaps, be found impossible for hon. Members of that House to shut their ears to the cry of universal suffrage. It was, therefore, well worthy their consideration, whether to concede the Ballot at once might not be their most prudent course to adopt. It was a question as much of justice as of policy. In the exercise of the franchise the poor man could have no protection until this safeguard was extended to him. He would remind the House of the exertions which one of the most eminent English statesmen had repeatedly made to protect the rights of the poor from invasion. In 1794 an expensive system of taxation had been unavoidably introduced into this country, to the effect of which upon the poor, Mr. Pitt gave the most careful attention; and, determined to shield them from the unequal pressure of this burden, made application to Parliament at various periods, and carried several measures up to the close of the war, all having for their object the protection of the poor. He should be sorry to find, that the disposition of the House to legislate on behalf of the poor had since been lessened. The overwhelming influence of wealth was but too ready to encroach on their privileges, an instance of which might be seen in the New Poor-law Act. Those who were full of apprehension on the subject of democratic encroachment should reflect that, from the diffusion of education among the people, and the extension of newspaper reading, a thirst for the exercise of political privileges must of necessity be generated. So long as bribery, corruption, and open intimidation were publicly arrayed against the freedom of election, that portion of the community which, although unrepresented, was not imperfectly educated, could repose little or no confidence in the constituent bodies by which a large portion of the Members of that House was returned. Independently of all consideration of the intrinsic merits of the question, the concession of the Ballot would, in his estimation, do much to suppress the cry for universal suffrage. In very ancient times the vast majority of important cases were decided by large assemblies of the people; and, before the selection of constituencies out of the body of the people, by virtue of a system which was based on the rights of property, there existed an institution which he looked upon as that portion of the British constitution which bid fairest to endure to the end of time—he alluded to the trial by jury. To serve as jurors the people were, without restriction, eligible; and in the exercise of their functions as jurors they enjoyed complete protection. The consequence was, that those who conscientiously exercised the capacity of jurors were treated with the utmost respect. If the precaution suggested by his hon. Friend were adopted—if the House decided in accordance with his eloquent admonition to throw around the constituencies the protection of the Ballot, he felt assured that the universal people would soon be brought to entertain the same respect for the decisions of persons exercising the Parliamentary franchise as for those which were involved in the trial by jury. Of the individuals who were eligible to serve as jurors, a great number were also found in the lists of voters. Let the House mark the difference which characterised the exercise of those different functions. At the period of an election what a tribe of attornies, agents, stewards, and creditors was let loose upon the elector, all harassing him—all directing him to vote in a particular way. If he proceeded to the poll, he could not fail of going under almost any circumstances with reluctance. If he gave his vote in opposition to his real sentiments, he became a self-degraded man; if in opposition to the political sentiments which he was known to have previously professed, he was an object for the contempt, or, at best, for the pity of his neighbours. In a few days after, the same man might be summoned by the sheriff to take his place in the jury-box. There he would act in accordance with the dictates of reason and justice, for he was there unassailable, either by bribery or by intimidation. The concession of the Vote by Ballot would, he believed, satisfy the wishes of the people, and, in his opinion, the apprehensions of a general clamour for universal suffrage were greatly exaggerated. When had the people demanded to be indiscriminately introduced into the jury-box? They had never heard of such a thing, and they were not likely to hear of it, because the people were satisfied with the purity of the present system Free the electoral body from the unconstitutional control to which they were at present subjected—give them in the exercise of this privilege the protection of the Ballot, and they would be quite as much respected as when they exercised the functions of jurors. By conceding in the first instance to the people a perfect freedom in voting, the Legislature might afterwards with safety apply itself to the enlargement of the circle of the franchise —an enlargement which could not take place at present without increasing the power of coercive tyranny, and adding daily to the victims of oppression.

Mr. *Poulter* believed, that there were few hon. Members of that House who had received so many cordial congratulations upon their success, from those who had been compelled to vote against him as he had received; he therefore could with confidence assert, that no man had a stronger personal interest in the establishment of the Ballot than he had. It was his strong conviction, however, that before conceding the principle of secret voting, the House should previously exhaust all other means which were likely to secure to the voters of this country the free exercise of their political rights. The hon. Member for London had put forward statements which he considered quite untenable. The hon. Member had, for instance, drawn an analogy between vote by ballot, and sealed letters. But there was the greatest possible distinction between them; for while the voter would almost of necessity be obliged to declare for whom he voted, no man who had written a sealed letter could be called upon to state its contents, so long as he chose to keep them within his own bosom. He admitted that threats and intimidation had taken place at elections throughout the country, but he must tell the hon. Member for London, when he presented the report to which he had referred to the House, as containing nothing but what might be relied on, that he was going much farther than the case would warrant. The Committee from which that report emanated, had sat with all the form which a judicial inquiry demanded, but without the means of arriving at a judicial conclusion; and for this reason, that every particle of evidence was taken behind the backs of the parties concerned. Persons had stated facts involving twenty or thirty issues, and which statements, in the absence of the parties to whom they related, could not be considered as coming forth with the weight of judicial authority. He did not deny, that it contained a body of evidence, which raised in his mind a moral suspicion of the existence of a great deal of intimidation, in connexion with elections; but, at the same time, he could not conceal from himself the fact, that it contained matters in relation to which there was not the slightest pretence for saying, that both sides had been heard. Witnesses might have stated, that in such a county thirty or forty voters had been grossly intimidated; in which single assertion were involved thirty or forty issues; such might be the case, no doubt; but it should be remembered, when statements of that nature were made, that the landlords had not been called upon to disprove them—that they, in fact, being removed hundreds of miles from London, knew nothing of what was going on behind their backs. These statements, upon which the hon. Member for London relied with so much confidence, were nothing more than the *dicta* of men, whose veracity he did not mean to impugn, but who, it should be recollected, had not personal knowledge of the facts connected with these alleged cases of intimidation, and who had stated them merely from hearsay. That being the case, he thought the House could not receive that report, as containing incontrovertible evidence on the subject. The hon. Member for London had spoken of the use of the ballot in clubs, and had argued that there was a still greater necessity for it in the exercise of the political franchise; but he would say, in reference to that argument, that vote by ballot was not introduced into clubs for the purpose of protecting the members of those clubs against intimidation or violence, but to protect the feelings of society. He was also prepared to show, that vote by ballot would not put an end to the canvass of voters. In clubs, for instance, a canvass took place for admission, although it could not be known how any Member voted, unless he himself declared it. He was prepared to show, that canvassing previous to elections would be continued, not only to its present extent, but in some particular cases beyond it. He contended that canvassing must continue in this country so long as the moral obligation of a promise continued to affect the human mind. So long as a promise was worth anything, or so long as a feeling of honour and confidence remained in the country, so long would that promise be demanded, and that feeling be put to the test, by the candidates for political favour. It was also his persuasion, that however Englishmen might vote, whether secretly or openly, that oral declaration would render it useless. He thought it was impossible to avoid it; for any man who refused to make an oral declaration, at once destroyed his own case. Then came the question of falsehood, to which the ballot held out a direct inducement. The voter, in the first instance, would be compelled to make a promise, which, at the time of making it, he did not intend to keep. That necessarily led to what he (Mr. Poulter) would term the second stage of falsehood, namely, when the voter balloted contrary to his promise; and after that a third, in his declaration to his landlord, that he had voted for the candidate for whom he had promised his vote; while, in point of fact, he had voted against that candidate. He could conceive a case in which a voter called upon to decide which of two candidates he would support, the one likely to advocate such measures in that House, as would tend to promote the welfare and best interests of the country, the other a man upon whom the voter looked as his best friend, as one of the kindest landlords, and as a benefactor, in having showered down blessings on him and his family: he could conceive a man in such a state of mind, as to induce him to declare, under such circumstances, that he would vote for the candidate who, in his opinion, was the more likely of the two to benefit his country, and against his friend and benefactor. He could conceive such a case, but was it likely to occur, from the state of the human mind and general opinion in this country? He thought not, and so far, at least, he could not perceive the professed utility of the Ballot. He found both the common and statute law opposed to every thing like threats and intimidation; and if the law were found insufficient, it was the duty of the Legislature to strengthen it, or by some other means to provide against such evils, without agreeing to a measure which would give rise to evils of an equally objectionable character. He therefore professed himself an enemy to the Ballot, at least till they had tried everything else. He thought they should only resort to that measure when they found it otherwise impossible to protect the voters of the country.

Mr. *Hall* had heard the latter part of the hon. Gentleman's speech with some degree of pleasure, inasmuch as he felt confident every other means of protecting the voters of the country than some such system as the Ballot would fail, and that they should have the hon. Member ranked amongst its strongest supporters. Other plans, however, had been tried for giving full protection to the voter, and failed, and to collect evidence on that point, the Intimidation Committee had been appointed. The hon. Member who had made the motion for that Committee had said, that he thought he should be able to advise a plan by which they could effectually get rid of the Ballot. He (Mr. Hall) observed that he was willing to meet him upon that subject, but no such plan had been advised, and he was quite sure that any man who looked through the evidence contained in the Report of that Committee would readily admit, that it afforded sufficient reason why his hon. Friend, the Member for London, should again come forward and propose a plan which nobody was particularly wedded to, if any other were proposed likely to afford a better or more substantial remedy. His hon. Friend, the Member for Shaftesbury, had stated, that the evidence given before the Committee was given upon hearsay, and without a personal knowledge of the facts. He could, however, state of his own personal knowledge instances of intimidation which had occurred in the boroughs he had the honour to represent. In canvassing one of these boroughs, voters had said to him, "How do you get on in your canvass? we cannot vote for you, but we hope you will beat us." If the supporters of this measure were again defeated on this occasion, he hoped his hon. Friend, the Member for London, would come forward Session after Session with the same question, convinced as he (Mr. Hall) was, that some such protection as the Ballot was absolutely necessary for the voter. He was certain that every supporter of the Ballot in that House would readily abandon it, if any other plan likely to produce the same effect, and to be equally satisfactory to the country, were proposed.

Until then, he, for one, would persist in his advocacy of the measure.

Mr. *Jephson* said, that he meant to support the motion of the hon. Member for London. The only security against great and overpowering influence which could be proposed was the Ballot. The fears respecting the effect of the Ballot were, that it would do away with aristocratic influence. If the Ballot was calculated to do away with the proper influence of character and talent he should not be an advocate of it; but if it only did away with the power of rank and wealth, then its effect would be most desirable. In his opinion the Ballot would put an end to the outcry for universal suffrage. From his experience he could say, that intimidation was often practised by the people against the landlords, and in such cases the Ballot would afford protection to the landlords and the electors in his interest against such a system of intimidation. Another effect of the Ballot would be, that it would give the voter an opportunity of becoming acquainted with the politics of the different candidates. That would be no mean advantage, because, as the system at present stood, the voter was carried away by popular feeling, or by some other influence in recording his vote. He supported the Ballot with all his heart, because he believed, if adopted, it would be the most valuable boon which could be conferred on the voter.

Mr. *Elphinstone* observed, that the real question for the House to determine on the present occasion was, by what method the elective franchise might be most safely, independently, and properly exercised by those upon whom the privilege had been conferred, and in what manner it could be best made available so as to secure the election of the candidate who possessed the real confidence and the wishes of the majority of the constituency whose suffrages were sought. Believing as he did that the adoption of the Vote by Ballot would deprive landlords of undue influence over their tenants, and prevent temptation on the one hand and intimidation on the other, he should certainly support the motion of the hon. Member for the City of London. He wished to see the vote of the poor man made equally independent as that of the rich man, and that object never could be attained except by giving the poor man the protection of the Ballot. The public looked with vast interest to the decision of to-night upon this, to them, important question, and he trusted that those hon. Members who courted popularity would not leave the House or shrink from voting on this occasion. If they did, he could tell them their conduct would not be overlooked when they next appeared before their constituents.

Mr. *Vernon Smith* said, that if the debate on this question had to-night taken the usual course, and that after an hon. Member had spoken on one side, and that he should have been followed by another hon. Member on the other side, he (Mr. V. Smith) would not have risen at present to address the House. The question of the Ballot had been carried about the country by its advocates and urged as the test of liberal principles, and under the notion that its adoption would lead to the extension of liberal opinions. In that proposition he (Mr. V. Smith) must beg to differ. He would admit to the hon. Member for the City of London, that when he gave his vote in favour of the Reform Bill, he did so most sincerely, wishing that the person upon whom the suffrage was bestowed should be a free, independent, and sincere voter, but he attached a very different meaning to an independent vote from that applied to it by the hon. Member who had brought forward the motion now before the House. He could not conceive any man would imagine but that the vote given in public, before the public, and for a public man, was infinitely more independent than the vote given in a private society. The existence of the system of the Ballot in the clubs and in private societies afforded no reason for its adoption on great public questions and occasions. Everybody knew that feelings, motives, and passions actuate a man in giving his vote in secret in a club, which he would be ashamed to own when called upon to record his vote upon a public matter. It had been urged that the Ballot would afford a protection, both from intimidation and against temptation, to the poorer classes of electors. He contended that under the Ballot system intimidation would be much greater than at present? He wanted to know from the hon. Member for the City of London, how a person entitled to the franchise was to form his opinions upon great questions—opinions which alone made his vote valuable—but by attending public meetings and discussions upon subjects interesting to the whole community; and did the hon. Member imagine that the active agents of the landlords of the district would not follow the tenants to such meetings, and watch every act of theirs, so that before they came to the ballot-box they knew perfectly well, from the previous actions and movements of the party, the bias and tenour of his political views, opinions, and sentiments? That being so, they would still be as much the objects for intimidation and temptation as at the present moment. So, also, the registration courts opened the same field for information—the votes of individuals were supported or opposed by agents representing both sides of politics, according to the views and sentiments of the voter opposed or supported. Here, again, were afforded the means of information upon which the landlords could either act by temptation or intimidation, as their interests demanded. In order to make the Ballot useful as a protection, the expression of public opinion must be wholly suffocated. Yielding to the hon. Mover of the present motion the whole machinery of his plan, he wished to secure the public against the malignity or bad passions of the voter, and therefore would not confer on any man the dark power which the ballotting-box would afford him. The reason why he should pause before he could consent to grant such powers was, that he thought public opinion was the safest check against all evil dealing in the course of human affairs—public opinion inflicted a severer punishment than even the decision and the judgment of a judge and jury. But he repeated, the Ballot would be the suffocation of public opinion. He would suppose a Member of this House to be elected under the silent system; and how would that hon. Member know by whom he was elected, how ascertain who were his constituents? and, therefore, he would be wholly unable to take their sentiments upon a question, such, for instance, as that of the Church-rates, which now stood over for the very purpose of ascertaining the sentiments of the people of the country upon the measure. He grounded his opposition to the Ballot for the reasons, that to be effective it must be carried further, and the expression of opinions must be prevented. This was not conformable to the feelings or usages of the nation. The Government were now endeavouring to render the institutions of the country more beneficial to its interests, and by what means? Why, by making public opinion more sound, by shedding a stronger light upon the intelligence of the country; and in stepped the hon. Member for the City of London, to exclude the light, and to make the subject still darker than before. Through the extension and diffusion of knowledge, liberal views had increased and were increasing; and he firmly believed that the Ballot would entirely check its further progress and advancement. He would not further trespass on the attention of the House upon a subject which had been so frequently and so fully debated, and upon which it was difficult to advance any thing of novelty. He must, however, advert to one other point, namely, that he did not think that the Ballot would afford equal protection to all classes of voters. Instead of being a protection to the poor, it would be only a protection to the rich, whose actions were secret, and whose motives were incapable of being ascertained, while on the other hand every action of the poor man could be seen, and would be known. On this ground also he objected to the present proposition. In times of peace and tranquillity the Ballot would lead to apathy and indifference on the part of the people, and in times of violence or convulsion it would afford a secret vent for bad feelings, and in these common ordinary times, in which every fair and moderate reform could be effected, the adoption of the Ballot would be a make-weight against them, and would prevent the carrying into effect those measures of which the Government were the sincere supporters.

Mr. *Bernal* having never given an opinion on the subject, was reluctant to let this motion go to a division, without stating his views. It appeared to him that hon. Gentlemen on both sides of the question were equally disposed to place too much reliance upon the force and accuracy of their arguments and observations; and he was, therefore, anxious to see the subject handled in a practical point of view. He was sorry that his hon. Friend, whom he believed to be a man of steady and sincere opinions, had expressed himself to be satisfied that the ballot could not operate as a check upon that tyranny which was too often exercised by landlords over their tenants in the course of contested elections, and that, therefore, it need not be granted. Now, he was desirous, as a representative of that House, to treat this subject practically, and in the first place he would observe, that as representatives of the people, they were bound to attend to the wants and wishes of, he would say, the majority of the lower orders of their constituents. He might say that with political sincerity, for he had never given a pledge on any question, and he never would give a pledge. He would never allow himself to be dictated to; he asked his constituents to trust to his political honesty, and he hoped they would find him never deceive them. He was surprised to hear the hon. Member for Shaftesbury express himself as he had done in reference to the report of the Intimidation Committee, declaring that it ought not to be trusted, because it contained the evidence of persons on one side of the question only. Was it possible for that hon. Member to disprove the fact that intimidation had prevailed to a considerable extent? He would appeal to that hon. Member's personal experience, as he could to his own also, as to the fact that means were taken to make persons vote contrary to their own feelings. He would ask was it fair and proper that there should exist what was called an assignable interest, and that gentlemen should go about to canvass, assisted by the female members of their own family or of other families? He would repeat the question, was it proper or decorous that shopkeepers who were dependent for their subsistence on their customers should be visited and threatened by them, be they male or female customers, with the loss of their trade, if they gave their votes in opposition to the solicitations of those who so called on them? That was not a practice consistent with either moral or political integrity. He might be told that the Ballot would be no remedy for that evil. Then he would reply—"Those who suffer the evil may be allowed to be the best judges." If he found a great portion of those who were intrusted with the suffrage complain of this hardship and demand the ballot, was he to presume, as a Member of that House, to stand up and say that they should not have it? That was the practical view of the case. He would enter into no essay on it. He could not stand up in that House, after having witnessed the evil he had alluded to, and say that those who appealed to that House to grant them the protection of the Ballot asked for anything that was either unreasonable or unjust. But suppose the Ballot was looked upon in the light of a mere experiment, still he thought they were bound to try the experiment for the sake and in compliance with the wishes of those who called for it. The hon. Member for Shaftesbury had contended that there was no analogy between the case of members of a club voting by Ballot and voters at an election doing the same. He differed from the hon. Gentleman, and thought that when a Member of a club put a white or black ball into the ballot-box, he adopted that mode of secret voting in order to conceal his sentiments, and to protect himself from intimidation or collision with parties to whom he was opposed. The voter desired the same sort of protection, and, therefore, there was a parity of reasoning between the two cases. The poor man wished to avoid giving offence, and to be saved from the tyranny of those who were more powerful than himself. After all the pamphlets that had been published, the essays that had been written, and the speeches that had been delivered on this subject, he must contend that the real question was. "Is the Ballot demanded?" Had petitions been presented to that House praying for the introduction of the Ballot? No man could deny that numerous petitions to that effect had been laid on the table of the House, and he might appeal to the experience of almost every hon. Member whether they had not met with frequent cases in which electors, when pressed for their votes for a particular candidate, had replied that it would be as much as their income was worth to vote as they wished. Never having spoken publicly in that House before on this subject, he would content himself, after the observations he had made, with declaring that he was, though rather unwillingly, a convert to the Ballot.

Mr. *Borthwick* expressed his entire disapproval of the Bill proposed by the hon. Member for the City of London, chiefly on the ground that it would prove utterly ineffective towards the accomplishment of the objects which the advocates of the measure seemed to contemplate. It would not promote the purity of election. If the hon. Member for the City of London would take 100 Americans and 100 English voters, would he find the Americans purer than the Englishmen? The Ballot was established at Rome, and Livy had recorded the failure of the experiment. Those who were yet unconvinced of its evil could not do better than study that historian. As to the argument, that because a majority of the constituency demanded the Ballot, it ought to be granted, he must observe, that it did not always follow, that majorities were the best judges of the propriety of granting a particular measure. If, however, the argument must be held to be good by some hon. Gentlemen, he would state, that he had recently visited his constituents, and they had generally and unequivocally declared themselves to be opposed to the Ballot, and that they had desired him not to support it, but to uphold a system by which they could boldly come forth and do their duty in the face of God and man.

Dr. *Lushington* was induced to address a few observations to the House in consequence of what had fallen from the hon. Member for Northampton, who had professed himself to be the strenuous advocate of liberal opinions, and yet he had opposed the Ballot, and that, too, on a ground which appeared most extraordinary to him—namely, that the Ballot was calculated to stop the progress of liberal opinions. His hon. Friend had professed his anxiety to conform to that which was the great object and purpose of the Reform Bill—namely, to confer on those to whom the elective franchise was given the free and independent right of exercising that franchise. But then, said the hon. Member for Northampton, that Bill was never intended to take away from the people the means of forming just political opinions. He was a little struck by that remark, and he was inclined to ponder in his mind what were those ways and means which were indispensably necessary to enable a man to give his vote with integrity. If he understood them rightly, they were included in accurate information and the right of public discussion. But how had the hon. Gentleman arrived at the conclusion that the Ballot would deprive any man of those advantages? There were three ways of influencing a man to vote—by argument, by intimidation, or by bribery. If he were addressed by argument, the matter must be left to his own judgment; if intimidation were attempted, the man would be deprived of his power as a free agent; if bribery was resorted to, then the ballot gave him the means of defeating the object of the briber, and of securing his independence in both cases. The hon. Member had contended that the best way to prevent intimidation and bribery was to have publicity and open voting. Why, there had been open voting long enough, but did not every one know that bribery and intimidation had existed under that system? But the hon. Member had said, how were Members of Parliament to have communication with their constituents and to ascertain their opinions if the Ballot were established? That was the most singular and absurd argument he had ever heard. Suppose his hon. Friend had no contest for his seat, how then was he to know the sentiments of his constituents under the present system? Then as to the voice of the majority of a constituency, he was of opinion that when he was elected as Member for any place, he was bound to represent the whole of it, and to the utmost of his power to respect the opinions and interests of all. Any one of his constituents, whether High-Tory or Ultra-Whig, was equally under his care, and deserving of respect. But did not the poor require protection? Was not the tradesman dependent on the customer, and the workman on the master? Every individual voter was in a state of dependence on others, more or less, but the man of property. Therefore, he said, it was their bounden duty, with all due deference to the hon. Gentleman who opposed it, to grant the Ballot. He was convinced that the opinion of the public mind in favour of the Ballot was gaining strength daily, and if he was not much mistaken, the words of the noble Lord (the Home Secretary), in reference to the Devonshire county election, would prove to be verified—namely, that if such practices as those which then prevailed were continued, the country would be roused still further to demand the ballot. Let them look to the lessons to be derived from the testimony of experience; let hon. Gentlemen consult with their constituents; let them not rest their opinions upon the state of things in this great metropolis, but let them go to the towns where the constituencies were not more than 1,200, or 1,500, or 2,000, and consisted mostly of tradespeople, and they would find that the Ballot was absolutely necessary for the protection of the electors. He could not but say that he was somewhat disgusted at the sqeamishness of those who seemed to feel such horror at the character of the English people becoming depreciated—that they wished to rescue them from the disgrace of telling a story, first to the landlord, and then before the hustings—while they exemplified no sort of feeling for the conscience of the voter who was compelled to vote for a candidate of whom he did not approve because he did not believe him to be a " fit and proper person." Believing, that under the present system, the votes of electors were frequently destroyed and vitiated, and made instrumental to prevent the return of those real Representatives of the people which it was the object of the Reform Bill to secure, he felt himself bound to support the motion.

Viscount *Howick* said, the whole of the arguments which had been used in support of the proposition of the hon. Member for London were designed to prove that a great deal of intimidation and improper influence on the minds of voters existed at the present moment, and took for granted that all who were anxious to correct those evils must necessarily be advocates for the Ballot. Now he begged leave entirely to dissent from this mode of putting the question. He freely acknowledged with the hon. Member for London, that the evils of which he complained did prevail to a very considerable degree, and he entirely and cordially concurred with him in the sincerest possible desire to put them down. The hon. Member for the City of London could not possibly be more anxious for the accomplishment of that desirable object than he was. But the real question which the House had to discuss and to determine was this,— would the means which the hon. Member proposed be effectual for that object, and in effecting that object would they not be attended with other disadvantageous consequences which would greatly outweigh any peculiar benefit they might confer? He did not deny that there might be some advantages attending the introduction of the Vote by Ballot; but they should endeavour to compare its advantages and disadvantages,—they should balance the two fairly together, and make up their minds on the result of the comparison. After having given the best and most careful consideration in his power to this important subject, he confessed, in his opinion, the disadvantages still preponderated; he did not say what might hereafter be his opinion, but for the present he was not convinced of the necessity of the measure proposed. In the first place, amongst the disadvantages which, in his opinion, would result from the adoption of this motion, was that to which he attached very considerable importance, but to which the hon. Member for the City of London, and those who followed him on the same side of the question, had not at all adverted, he meant the enormous power of abuse which it would place in the hands of returning officers for borough towns. As the law at present stood, if he were defeated by any improper practice, if there were not a majority of the real voters against him, he could appeal to a Committee of that House, and if on examination they were satisfied that the adverse majority was made up of merely colourable votes, or the exclusion of good votes, they had the power of striking off the bad from the poll which had been given against him, and adding the good votes which had been tendered in his favour, and awarding to him that seat which had unduly been given to his adversary. But how was this object to be accomplished under the new system? Take the case of an election keenly contested, where half a dozen voters would turn the scale, and there were several such at the last general election — Halifax, Rochester, and others, — improper votes, through the successful personation of voters, and by other means, might be recorded, or there might be a partial rejection of good voters. Such cases did actually arise, and in what conceivable manner was redress to be afforded under the proposal of the hon. Member for the City of London? There might be the strongest possible conviction as to the fact of those votes being given; no reasonable person could, perhaps, entertain the smallest doubt; but in the absence of legal proof they could not go before a Committee and say, such and such voters had no right to the suffrage, and their names must therefore be struck off the poll. In reality, they might have voted for the very party making the objection. But, said the hon. Member, they should in such a case declare the election null and void. That was no redress whatever. It would lead to the most monstrous state of abuse. This was no imaginary state of things. At the last general election there were many complaints of gross partiality—he gave no opinion as to their being well founded or not—but complaints of gross partiality there were against the returning officers in several instances. The Ballot would place an enormous power, without appeal, in the hands of returning officers to increase this abuse far beyond what now existed. But what were the advantages to be gained by the plan of the hon. Member? He said, in the first place, it would throw great difficulties in the way of bribery, and go far to extirpate it altogether. On that point he begged, however, entirely to differ from the hon. Member for London. Under what circumstances did bribery take place at the present moment? When the strength of the two opposing parties was very nearly balanced, and when it depended on a comparatively small number of votes how the election would terminate. In such a case the Ballot, so far from throwing difficulties in the way of bribery, would, on the contrary, render it more safe and easy than ever. With respect to bribery, then, he did not think that the plan of the hon. Member would at all answer the object he professed to have in view; and as to intimidation, although he admitted its existence to be the most plausible ground of defence which the Ballot had, yet even in that point of view, the advantages likely to result from it had, in his opinion, been very greatly overrated. The proposal of the hon. Member appeared to him to take for granted that the vote of the individual was all they had to protect. He maintained that the people of this country had not only a right to give their votes, but to exercise that fair influence which belonged to them, by assisting in the canvass of the particular candidate to whom they were favourable, and advance those opinions to which they were attached by all the means in their power. And did not the hon. Member see that in protecting the vote merely he would in fact recognise in every other respect the power of the landlord and the customer? He would enable the landlord to say to his tenant, you shall not vote at all; you shall not canvass for that candidate; you shall take no means whatever of promoting his chance of success. Did the hon. Member for London ever canvass an agricultural district? He could assure the hon. Member that in canvassing a small country town he had found it comparatively unimportant to have a particular individual's vote, compared with the moral influence which it exerted and the countenance it gave him. He had found a respectable private farmer coming forward openly and boldly to state his opinions of infinitely more importance than the individual vote he was able to record in his favour. He was not prepared to say, that they would ever be able to put an end completely and for ever to the practice of intimidation; he believed the hope that human institutions would ever attain absolute perfection was vain and nugatory; but he contended, that a greater amount of good might be gained by other means in this respect than by adopting the system of the hon. Member for the City of London. It was true, they could not proceed under the penal laws against those who attempted to intimidate an elector. He knew perfectly well the power which the landlord had to dismiss a tenant on the expiration of his lease, and to enforce the covenants by which he was bound with an unusual degree of strictness; he knew the power of the customer to choose his own shop, it might be difficult to trace the motives by which they had each been actuated in exercising their power; but at the bar of public opinion that was not the case. Though they could not go before a criminal tribunal—though they could not bring the strict law into play—the bar of public opinion was not bound down by such nice and close laws, and in matters of election, more especially, public opinion was almost omnipotent. There was no man who by any degree of improper influence in any county or town constituency in the kingdom could gain a number of votes sufficient to determine his election,—it was impossible that mere intimidation could carry any election; and if public opinion were once decidedly pronounced against such practices — if the really independent electors set their faces against them—if parties found that they lost more than they gained by resorting to such means as these, there would be a practical security against abuse which would go far to extirpate it altogether. But it had been said, that public opinion would never have this effect—that they always had open voting, and yet the system of intimidation had constantly prevailed. But a new era dated on this subject from the passing of the Reform Bill. He appealed to any one at all conversant with the manner in which contested elections had formerly been conducted, whether the right of the landlord was not all but recognised to the vote of the tenant, the landlord was not ashamed to avow that he expected his tenants to vote with him; but was that the case now? Was any landlord now found openly to avow his expectation that his tenants would vote with him? If so, he asked whether every speech of every candidate during a contested election and the columns of every newspaper in which the pretensions of rival candidates were supported, were not filled with charges and counter-charges of the exercise of this species of influence, and whether parties did not find it necessary to disclaim it on their own side? They had gained, then, a most important step, when they found all the parties denying the practice of themselves, while they charged it openly against their adversaries. The practice could not be carried on in a corner in secret—it could not be persevered in extensively, and all parties already found it necessary to disclaim it. The change in public opinion to which he looked for a cure to this evil was in progress; and as there had been only two general elections under the Reform Bill, trusting to the good sense of the electors of the country, he could not consent to the introduction of a measure to remedy the present state of things, which, in his opinion, it would not accomplish, apart from its being objectionable on other grounds. [*Question.*] He did not wonder, considering this was now the third or fourth time this subject was regularly debated, that hon. Members should cry "Question," but now that the subject occupied such a space in public opinion, it was necessary they should carefully consider what was to be said on both sides. But it was said, why trust to all these roundabout and ineffectual modes—why not adopt the direct, simple, and straightforward method, the ballot, which would clearly be efficacious? He, for one, contended that the Ballot would not bee ffectual for the object proposed. The mere vote was not all they should protect. It was necessary they should endeavour to create and keep alive that independent spirit among the great mass of the people of this country, without which, all the forms of the constitution would be of little avail—that vivifying spirit which preserved alive the body politic, and without which no real freedom could exist. They might tell him of sacrifices which, according to the present practice, were imposed on conscientious voters. But was there no benefit to be derived even from them? In his opinion, there were great and decided advantages to be derived from those sacrifices, much as he lamented them, in the fostering of an independent spirit, and in the sympathy of others. He contended if the principle of the Ballot were admitted, it would be impossible for men fairly to discuss their opinions, and therefore, no sound and wholesome state of public opinion could ever exist in such a state of things. The hon. Member, in protecting the vote by the introduction of the Ballot, would discourage and prevent men from manfully standing up and avowing their opinions. The hon. Member for the city of London said, that one of the effects of the Ballot would be to soften the violation of election contests. Many moderate men would conceal their opinions in the ballot-box, without caring to avow them. Now, he believed that such would be the effect of the Ballot. But so far from being desirable, he thought that the worst possible state of things that could exist. He thought there was much more practicable wisdom in the principle laid down by an ancient lawgiver of one of the most famous republics the world ever saw, that that man's conduct should be considered penal who, in certain contests, remained neutral. By making moderate men hold aloof from declaring their opinions, they would discourage the open avowal of independent sentiment, and leave the whole dispute to be carried on by the most violent partisans. Those who had attentively read the history of the French revolution, exhibiting as it did the most cruel and grinding tyranny the world ever witnessed, established too, under the forms of a complete democracy—a tyranny which no one doubted was opposed to the real opinions of an enormous majority of the country wherein it prevailed—those who had studied that history, must be aware that it arose in a great degree from the circumstance, that the people of France bowed down under the tyranny of many years, did not possess that sturdy independence of spirit which induced individuals, at whatever risk, to stand forward and maintain their real opinions. The tyranny was excited and maintained by a delusion, which a general prevalence of real independence of spirit would soon have displaced. This want of real independence of spirit, this moral cowardice in political matters, would, he contended, be encouraged and fostered by the Ballot. But he went further; some hon. Members were fond of looking at America. On this point, he could not do better than refer to the testimony, which was admitted on both sides of the House as authoritative, of M. de Tocqueville on democracy. It was his opinion, that there is no real freedom of voting in the United States, and that no one was bold enough to advance any opinion opposed to the ruling passions of the multitude. He believed that there really did exist a tyranny of the majority on which arguments used in that House were often founded. But he rejoiced to know that the people of this country were resolutely determined not to give up opinions formed after cool and deliberate reflection, to the prevailing passions of the moment. This feeling, which he maintained to form the best security for the institutions of the country, was fostered and strengthened in his opinion by the practice of open and unconcealed voting. He should be obliged to record his vote against the motion of the hon. Member, but in stating this, he thought it necessary to add, that he was convinced that the evil of which the hon. Member complained, and against which he wished to guard, could not go on unchecked. He did not scruple to express his entire acquiescence in the opinions of his noble Friend, Lord Melbourne, quoted at the commencement of the debate by the hon. Member for London. The abuse of influence, in which all parties equally indulged, was the crying evil of the present day. He hoped that this evil would be repressed by the good sense of the people, and by the resolution of all parties to abstain from using improper means of influence. He trusted that the Members of that House in their various residences, would set the example, and he was quite sure that in the contests between the political parties into which the nation was divided, the adoption of that general policy would not be regretted. If they steadily refused to employ such means themselves, and did not shrink from denouncing them when employed by their adversaries, they might effect much good. He had found this practically to be the case, and he knew that the electors sympathised with these sentiments. If, however, his hopes were deceived—if, in the violence of party strife, contending factions should raise to an intolerable height the evil complained of—if, after further experience, he should unhappily find himself disappointed in the result which he confidently anticipated—he did affirm that, however reluctantly, he might at length be driven to adopt the plan proposed by the hon. Member. He was perfectly prepared for the manner in which this declaration had been received; but he was not to be deterred from expressing his opinions by the condemnation of hon. Gentlemen opposite. He thought he had stated distinctly the grounds on which he dissented from the motion; but let those hon. Gentlemen who cheered, recollect that the cry for the Ballot was one of their own creation, and that its prevalence was owing to themselves. He did not mean wholly to acquit that party to which he himself belonged, of contributing to it; for in the violence of party warfare, improper practices would almost invariably be employed by both sides. Nor would he lay the whole blame on the other side; but he had no hesitation in declaring, as a caution to both sides, and one which they would do well seriously to reflect upon, that if the present state of things continued, to the Ballot they must, and to the Ballot they would come. Though the Ministers might not change their opinions, and though Gentlemen on the other side might continue their opposition to the Ballot, he felt certain that a power too strong for them would arise; to that power they must necessarily yield; and this unfortunate change in the law of elections must necessarily take place. He should deplore such an unhappy event: but he would not, after so short a trial of the effects of the Reform Bill, despair of the success of that great experiment. He still confidently believed that the result would be as he had ventured to predict, and that they would eventually, without the adoption of the dangerous remedy proposed, accomplish the object which he trusted they all had at heart.

Mr. *Charles Buller* returned his sincere thanks to the hon. Gentlemen opposite for having honoured them with so full an attendance this evening, though it did not appear that their object was the discussion of the question, inasmuch as they had observed a magnanimous silence, and thus had saved the poor Radicals from being exposed to opposite fires. The only hon. Gentleman on that side of the House who had spoken on the question was the hon. Member for Evesham, and entertaining the respect he did for the hon. Gentleman opposite, he must say, that the hon. Member took a lofty and elevated tone, such as would scarcely be responded to by the great majority of those by whom he was surrounded. He bore ample evidence to the working of the Reform Act; he bore ample evidence, as well he might, to the working of a system of bribery and intimidation under the Reform Act. He said, he had seen the honest voter—the independent tenant of a tyrannous landlord—come forward at the sacrifice of his individual interest, that he might give a conscientious vote; and so far from the exhibition having that effect on him which such a sight might have on a weaker mind, compelling him to come forward and complain of it as an evil, his strong conception revelled in it, and he exulted in describing it as a sacrifice which ought to be frequently presented to the country. The opinion generally entertained was, that it was one of the advantages derived from good government—that it diminished the opportunities for the display of great heroism. In former times every gentleman and lady who desired to display their hardihood might do so by persisting in travelling over Hounslow heath. A good police had put an end to the danger to be encountered there; and he did not much deplore the heroic virtues which could no longer display themselves in that species of hazardous undertaking. In his humble judgment, the Government of this country had acted wisely in providing for the protection of life and property. Again he must thank the hon. Gentlemen opposite for favouring the House with their presence to vote against him and his Friends on the present occasion, because, in doing so, they had furnished another argument in favour of the Ballot. He looked on them as consistent opponents of Parliamentary Reform; they opposed the Bill when it was originally introduced; they had opposed it since; and their efforts were now directed to making the new system as like as they could to the old. They witnessed with deep regret the mutilation of schedules A and B, and they had done everything in their power—they had used their honest endeavours with the greatest zeal, and with no inconsiderable success, to turn the counties, and cities, and towns into as rotten places as the most rotten boroughs that ever disgraced the country. It was to the authority of the Reform Bill that they looked for arguments by which they might oppose the Ballot; and he must confess it appeared to him that they were not likely to be quite satisfied with the arguments the noble Lord had used. The noble Lord had said, that if he found that with the Reform Bill they failed in accomplishing their object—if he saw that no other means could be devised to prevent intimidation, then the supporters of the Ballot should have his support. Now, when he looked at the argument of the noble Lord, and encouraged also by his vigorous and candid mind, he could not help hoping that it would take a very short time indeed to bring him to that view. The noble Lord disapproved of the Ballot because it would deprive them of the benefit of scrutinies before Committees of this House; and the hon. Member for Northampton objected to it because he was afraid it might infringe on the beautiful system of registration. He thought it was a strong argument in favour of the Ballot, that the vote being secret it could not be questioned after it had been given. He would have votes disputed before the revising barristers prior to their being given, but never after it. In his opinion it was exceedingly desirable that the vote, if it were to be disputed at all, should be disputed before the individual had polled, and, therefore, before he had declared himself a partisan. But then it was said, that the doubt as to how the man would vote would leave parties in great uncertainty as to whether they should incur the expenses incidental to an election. He was of opinion, that if the Ballot did produce that degree of uncertainty, and he believed it would, the result would be beneficial, for the vote would then be disputed by those not so personally interested in the result, and who possessed the local knowledge which would enable them to say whether he was really entitled to a vote or not. The noble Lord said, they could not look for absolute protection to the votes under the Ballot; if this were so, at all events he would like to see the approximation to protection nearer. He did not suppose it would, in every single case, prevent bribery and intimidation, but he thought it would have that effect in the majority of the cases existing at present. He wished to state the case fairly to the supporters of the Reform Bill. He did not mean to depreciate the general effect of that measure. No doubt it had given great power to the people of England, whom it had enabled to send into this House more supporters than they ever had in it before; but he must also do the opponents of the measure the justice of admitting that they were right when, during the discussions on the Bill, they contended that, in extinguishing the nomination boroughs, they would increase corruption and intimidation. He believed there had been more scandalous corruption since the Reform Bill came into operation than there had ever been before. Then intimidation was almost the child of the Reform Act. Before that schedule A disfranchised so many boroughs there was little occasion for intimidation, inasmuch as the electors were the mere tools of the borough proprietors. Now, not only many of the boroughs but the counties were as close as possible; and those gentlemen who had been deprived of the power of nomination by the Reform Bill, had, in a great measure, succeeded in re-establishing the system by intimidation under that Bill. When Ministers said, they would destroy certain nomination boroughs, the people little thought they meant to say, that they would effect a mere transfer from one party to another. The noble Lord, seeming to think the Reform Bill had made a great improvement with respect to intimidation, asked, did any one now openly avow that he exercised an undue influence with his dependents? Men were not proud of such avowals; it was felt pretty generally that tenants ought not to be driven by their landlords up to the poll. To be sure there were exceptions, and he might instance that of an illustrious individual, whose name had cause to be considered a family motto; he alluded to him who inquired "might he not do as he liked with his own?" The noble Lord must excuse him if he did not follow him through all the details to which he had referred in connexion with the French revolution. He should have thought that the noble Lord would not have condescended to talk of the French government as a popular government, with the view to show the inefficiency of the Vote by Ballot. When he talked of the horrors of 1793, he might have remembered that there was one grand impediment to the working of that beautiful constitution, which was, that at the moment it was adopted it was suspended, and, having been long kept in suspense, it never was brought into operation. Let not the noble Lord, then, rely too much on the practical working of a constitution which never could have had any practical working at all. The noble Lord had referred to the influence of public opinion. Public opinion was assuredly a very good thing, but its operation was slow. Public opinion alone had not prevented the perpetration of gross acts of tyranny. Where it had been successful it was because it had the aid of certain subsidiary helps. The noble Lord said, they must trust to the vivifying spirit to keep the body politic warm, and he hoped they would not, in addition to the aid of the vivifying spirit, have recourse to a great-coat. He still trusted he should see the noble Lord with the additional comfort of the Ballot. He could not help thinking that the real grounds of the opposition to the Ballot were not stated, and that it proceeded rather from a fear that the Ballot would give strength to the democracy, and to certain dangerous opinions which would be circulated amongst, and influence, that class of the people which were not the best informed. There was an apprehension that the Ballot would destroy the influence of property, but he contended it was a mistake to suppose that the great mass of the people would select their leaders from any but the really intelligent, or that they would not pay that respect to rank and station which rank and station really merited. "The real ground of the opposition made to the question by moderate politicians is obviously," continued the hon. Member, "the fear that the introduction of the Ballot will too completely destroy the influence of men of property and intelligence, and give an impulse to the progress of certain dangerous doctrines which they conceive to be circulating amongst the less instructed and less prudent portion of the electoral body. I can add little on this point to the admirable reasoning by which my hon. Friend, the Member for London, and other supporters of the Ballot, have shown that it is neither the purpose nor the probable effect of the Ballot to diminish in aught the legitimate influence of property: but that, by destroying the influence of corruption and intimidation, you will leave unwarped the natural tendency of our countrymen to follow the guidance of those whose superior intelligence they cheerfully acknowledge, and whose advantages of fortune and station they are apt to regard with perhaps too much veneration. I wish to see the influence of an enlightened and patriotic gentry confirmed rather than weakened; I wish to see the people invested with a full power of choosing their leaders, because I feel little doubt that it will exercise that choice in favour of the best of those whom fortune has endowed with leisure and independence. That such an aristocracy may long continue to hold power on a democratic tenure I feel little doubt. The Roman patrician, when deprived of his peculiar privileges, descended into the open arena of political emulation, and struggled on equal terms with his plebeian competitor. Nor did that noble strife fail to call forth his energies; and, from the days of the Fabii down to those of the Cæsars, Rome found in the families of her ancient nobles the worthiest candidates for the offices to which all might aspire. I see nothing that is to prevent the gentry of England from occupying a similar pre-eminence, and wielding a similar power—nothing save the mad attempt to substitute the brute force of property for the mild influence of station and character—nothing but the continuance of a system which brings every man of wealth and rank into unceasing collision with the independence and consciences of his countrymen. Of all the effects which the Ballot is likely to have when once fairly established, I have always attached peculiar importance to that which it would exercise in preventing excitement and giving influence to electors and candidates of moderate opinions. Now the present system seems as if it were expressly contrived to make constant excitement a necessity, and destroy the influence of moderate men. The wealthy canidate is supported not only by the influence of his own money, but by all that which his wealthy supporters can bring to bear upon their dependent tenants or customers, and that interest which a portion of his partisans feel in the maintenance of profitable abuses. In order to counteract these great advantages the candidate of opinions the most directly the reverse appeals to the passions of the mass, and excites them by the promised advantages of great political changes, humours their prejudices, and frequently by the force of that enthusiasm which marks the holders of extreme opinions, by the moral influence of the opinions of the mass, or by the direct intimidation of a mob, triumphs over the vast power against which he has to contend. Very often at the same time, I think I may say most generally, there exists a moderate party which is averse to both excesses; and the opinions of which, if freely expressed, would secure the triumph of the moderate candidate. But moderate men, whose judgment is peculiarly valuable on account of its calmness, are precisely those who always feel the least enthusiasm. Though they would vote wisely if they could vote safely, they are just the men whose convictions are not so decided as to induce them to sacrifice themselves and their families to their opinions. These are just the men who under the present system have no influence. They are always coerced by the one party or the other. A candidate finds it useless to rely upon their support; and he has always to earn, by the expression of extreme opinions, the support of one of the extreme parties. I believe the greater part of the coerced voters are among the most moderate; and it seems to me that it is a great objection to any system that it renders the exercise of an honest choice dependent on the voter's excitement, and gives every motive to the candidate to stimulate the passions of the constituency. In this, Sir, I have only been expressing in general terms, the results of the experience of the working of the Reform Act. It is worked entirely at the expense of moderate men—that is, at the expense, above all others, of the Whig party. The Tory has succeeded by dint of aristocratic influence; the Radicals in many instances have triumphed by dint of the enthusiasm which the mass of the voters have felt in behalf of the candidate for whom they have been ready to go all lengths, because he seemed ready to go all lengths with them. But the Whig has been excluded by both. The Tories were the great gainers by the last general election. The numbers of the whole Liberal party in this House were greatly diminished, yet the number of the Radicals is augmented. The Whigs have lost not only all that the Tories but all that the

Radicals have gained; and every man conversant with these affairs with whom I have spoken, whatever may be his opinion as to the relative numbers of the two great divisions of this House, seems to think that the Whig party will again be losers. I do not mean to insult his Majesty's Ministers by directing this argument to their personal interests; I do not recommend the ballot to them as an instrument to serve their personal ambition, and prevent the diminution of those supporters who more constantly adhere to them. But if they are honest men, they must look on the prevalence of these opinions as a matter of great national concern. They may honestly regard it as a great defect in our present system that it threatens the destruction of the party to which they, from conviction, are attached. And I may with perfect propriety call on them to lend a favourable ear to a proposal which appears to me to offer the only guarantee for the prevalence of moderate opinions in the councils of the empire. For myself, Sir, I will own that much as these considerations weigh with me, this is, after all, with me very much a matter of feeling. I cannot look without strong feelings of indignation at that disgusting system of electoral corruption which is the shame of our country. I cannot listen to the tales of cruel oppression which mark the course of any contested election without feeling that humanity imperiously calls upon us to put an end to this barbarous and degrading system. Even to my own constituents, though they, perhaps, have suffered among the least, from these foul influences, I feel that my zealous support of this motion is due. I know enough of the cost at which they have asserted their independence to make me feel that the protection of their franchise is a requital which they have a right to claim from their Representatives. If, after exciting them to resist the powerful influences which opposed me, and seeing the misery which that resistance has entailed on many of them, I were to fail them on this question, I should feel as dishonoured as the demagogue of yore, who proved recreant to his comrades in the fight to which his counsels had impelled them.

The *Chancellor of the Exchequer* had a few observations to address to the House on the motion then before them. Before he offered those observations to their notice he would take the liberty of differing altogether from the statement that had been made by the hon. Member who had just sat down. He had heard that statement with regret, because he knew the use that would be made of such an admission, coming, as it did, from the advocate of liberal opinions—from (as his hon. Friend had been) a sincere supporter of the Reform Bill, not only as to the spirit with which the measure had been carried, but in all its remote consequences. His hon. Friend had stated that corruption had been more extended since the passing of the Reform Bill, and that intimidation was the child and the offspring of the Reform Bill. Now he took the liberty of respectfully differing from his hon. Friend in such an opinion. Were there, he would ask, no cases of corruption before the passing of the Reform Bill? Had they not heard of Aylesbury and Shoreham? Had they not known the most gross corruption practised at elections—acknowledged to have been so practised even by an unreformed Parliament? Did not these things exist; and after all this, was his hon. Friend to rise up and say—he who was a friend to Reform—he who was a consistent Reformer—was he to say, that corruption had been more extensive under the Reform Bill than it had been before that measure passed. He appealed to hon. Gentlemen—to those who were supporters of the motion then before the House, on the ground that it had a tendency to extinguish corruption—he asked them if they believed that corruption was the offspring of the Reform Bill. His hon. Friend had said that there was not much corruption in schedule A. To be sure there was not; but his hon. Friend's saying so was as great a perversion of an argument as that of the old philosopher who said there was not adultery in a particular country because the women were in common. There was no corruption. But was not the existence of the thing corruption in itself? He did not at all mean to contest the fact that corruption and intimidation prevailed; but what he contended against was the argument that would be used in opposition to the progress of liberal opinions, and which sought to connect corruption or intimidation with the Reform Bill. He had another word to say to the arguments used by his hon. and learned Friend. He denied that his hon. Friend heard correctly or represented justly the arguments used by his noble Friend, the Secretary at War, who sat beside him. His noble Friend did not say that French revolutionary principles would arise from the Ballot. His noble Friend had said no such thing. His argument was this: he said that the effect of the old government in France was to depress public opinion; that it was calculated to diminish the activity of the public mind; and his noble Friend's argument was, that the Ballot would produce the same consequences; and it was in that sense, and that sense only, he referred to French revolutionary principles. He came to the discussion of this measure with regret, because it was always with regret that he differed from Gentlemen who, in the main, agreed with him in political opinions. He discussed, he admitted, this question with the more difficulty after the clear and able manner in which the subject had been introduced to the notice of the House by his hon. Friend. But he discussed the question now upon the principle that he had always discussed it. He did not think that the Ballot would be effectual for the object proposed, and, even if they were enabled to preserve entire secrecy, it would introduce other evils which would more than compensate for the advantages to be derived from it. He did admit that the question deserved the serious consideration of the House. He admitted this, then, as he had admitted it on a former occasion. He had to state with respect to his own constituents, to whom he had the opportunity of stating his views on this matter, that he did not find more than from ten to twenty persons favourable to the Ballot. There had been presented from that constituency a petition signed by three hundred as intelligent and independent men as ever addressed that House; and they now sent forward a petition in favour of the Ballot. Such had been the progress of the measure: those who had been adverse to it were now found to petition in favour of it. Why was this? They had become converts in the interval of time he had referred to on account of the progress of a system of bribery; on account of the progress of a system of intimidation. They became converts from the necessity they felt for some protection for their votes; and it was on these grounds, and these grounds only, he took upon himself to assert that a petition from them had been presented to the House. It was, he repeated, the only reason for the alteration in the opinions of these men. His objection to the Ballot was not because he did not think with Gentlemen who supported the motion and advocated the Ballot, that they were under an imperative duty of checking in all quarters corruption and intimidation, but because he doubted (and in this he differed from them) that the Ballot was the remedy either fit or applicable for the evils of which they complained. He did not wish his opinions to be misconceived as to his differing from hon. Gentlemen upon this subject; it was because he doubted that the Ballot was the proper remedy to be found for corruption and intimidation. His hon. Friend (Mr. Grote) had presented a petition that night from Cambridge; he was too well acquainted with the Cambridge case, and he could be a witness to this fact, that no person in that House had a stronger interest in putting down intimidation than he (the Chancellor of the Exchequer) had. Therefore, let Gentlemen from whom he differed, remember that he had, in his opposition to them, no sinister object in view. He agreed with them in their object; he differed from them with respect to the means. He did not believe that it was in the power of any Act of Parliament to reach the evil; he did not believe they could arrive at moral results by mechanical means. He believed the only way to succeed was to let in public opinion upon the acts and conduct of those who sought to intimidate others; and also by that House acting when the facts were brought before them. He did not defend the system of open voting, because he claimed for property a direct control, but he claimed for landlords, for those attentive and kind-hearted individuals who were brought in immediate contact with subordinate classes—he claimed for them the opportunity of giving their advice and counsel. But when they went a point beyond that, then there arose an influence that was illegal, and that ought to be controlled. Now, suppose they had the Ballot, he would try to come by this test as to the influence of landlords. He had referred to cases such as had occurred—he did not mean to say they were true—but he would take the case of landlords in Ireland. Let him, then, suppose that they had the Ballot, and that they had complete secrecy. Let them observe then, what would be the result. Would not the landlord at once make such a selection of men as should be of such declared and avowed party opinions, that he was quite sure that those men, as his tenants, would vote with him under any circumstances? He respected the opinions of Gentlemen who differed from him; he was sure that similar respect would be paid to his opinions. He was then trying the case in reference to Ireland. Supposing then that he was a partisan, a high Orangeman, who wished to maintain his influence under the Ballot, what would he do when the system of open voting was put an end to?—Why, have on the land in his possession none but an Orange tenantry, men of declared political opinions, ready to vote with him. Would he not, in doing this, be not only creating a party constituency, but also introducing party into the management of his estates, and thus carrying on a war against the general population of the country? He was perfectly satisfied that this would be the case in Ireland. Fortunately for England, there were not the violent opinions found to prevail, which existed in that country. The Ballot would undoubtedly effect this, that no man would be punished by reason of his vote: but then, supposing he was a landlord, or a master manufacturer, and that he distrusted A, B, C, that he knew them to be violent Tories or Conservatives, or call them what they would, he might say that he would request of them to abstain from voting. Now, over such an influence as that, the Ballot had no power. They had, then, the power of corruption and intimidation to induce men to abstain from voting: that influence would still exist, and the Ballot could not affect it. He knew that much existed in the way of intimidation and of corruption, and this arose particularly from a want of a proper legislative enactment, and he only hesitated then from stating what he thought would meet the evil, because he was determined upon meeting the question fairly. He was bound to say, that when corruption was proved, both that and the other House of Parliament had shown too much tenderness to such cases. They had hesitated to disfranchise boroughs when the corruption was notorious. Let them look to the case of the Bribery Bill of last year. The hon. Member for Bradford was the father of that Bill, and a most unnatural father he had proved to be, for in the last fortnight of the Session, when the Bill was attacked, he left them on that side of the House to defend it. If they took up the subject in the way of improved and penal legislation, in a stronger and more determined manner than they had yet done, he believed that much of the corruption that now existed might be put an end to. It was on these grounds, and doubting that the results would follow from the means proposed to be employed, that he should firmly and steadily adhere to the opinions he had expressed on a former occasion.

Mr. *Grote*, in reply, said, it was not his intention to abuse the patience of the House, having already drawn so largely upon it. He must, however, confess, when he followed the whole course of the debate, that he saw very much to congratulate the friends of the Ballot upon. He saw very little to regret, or very much to rejoice at. From the determined silence of the Gentlemen opposite, this question would go forth to the world, deprived of having that which was so valuable to it—their opposition. It was a subject of great rejoicing to him, when he recollected the altered tone of his Majesty's Ministers. It was a subject of great rejoicing to him when he took notice of the altered manner of the noble Lord, the Member for Northumberland, and the Chancellor of the Exchequer, with a view to this subject. He did not mean to say they had changed their opinion, but their opposition to this important measure was on the ground of time, and not on the ground of principle. Their conclusions were the same, but their premises totally different. He was authorised in asserting from the speech he had made in the early part of the evening, that the main points of his argument remained untouched. No one who had addressed the House had ventured to deny that intimidation existed, not even the hon. Member for Evesham, the representative of the evening of the mighty party—the Tories. He had not even ventured to deny that intimidation existed, and had done so to a frightful extent under his own eyes. Where was the effective remedy for this? Why, in the Ballot, and that alone. He knew of no alternative that had been suggested, except the one put forth by the hon. Member for Shaftesbury, which was most completely demolished by the noble Lord, the Secretary at War, who showed that anything in the nature of a penal Act, could not be carried into execution. When these two points remained undisturbed, first the extent of the evil, and then the impossibility of finding any other remedy, the main strength of his argument remained untouched. He knew that his Majesty's Ministers indulged hopes respecting an alteration in the feelings that were abroad on the subject of intimidation, they seemed to expect that the fire would go out of itself; they seemed to think that intimidation, by some miracle, was so to be worked upon, that though you left it uncontrolled power, it would abandon it. Intimidation was increasing from year to year, and were they not, he would ask, to have the Ballot, when it was shown clearly by that, and that alone, intimidation would be put an end to. He trusted that the time was not far distant when his Majesty's Ministers would become converts to the measure, and then they would stand in the situation which, of all others, he should wish to see them, making the whole of that side of the House on which he sat, in favour of the Ballot, opposed only by the formidable opposition of the right hon. Baronet, and his Colleagues.

The *Chancellor of the Exchequer*, before the House divided, wished to say a few words in explanation. The hon. Member, in his reply, had said that he was happy to observe the altered tone of his Majesty's Ministry on the subject. If that observation was intended to apply to him, he begged to say, that his arguments against the present motion were founded on precisely the same grounds as his opposition of last year.

Viscount *Howick* said, that the last time he had addressed the House upon the subject, in 1835, his arguments were precisely the same, together with the grounds of his opposition, as they were at present. His objections were founded then, as now, upon principle, and not upon time.

The House divided:—Ayes 153; Noes 265: Majority 112.

List of the AYES.

Aglionby, H. A.
Ainsworth, P.
Bagshaw, John
Bainbridge, E. T.
Baines, Edward
Baldwin, Dr.
Ball, N.
Barnard, E. G.
Barry, G. S.
Beauclerk, Major
Bentinck, Lord W.
Bernal, R.
Bewes, T.
Biddulph, Robert
Bish, Thomas
Blake, M. J.
Blunt, Sir C. R.
Bodkin, J.
Bowes, John
Brabazon, Sir W.
Brady, D. C.
Bridgman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Buckingham, J. S.
Bulwer, H. L.
Bulwer, E. L.
Burdon, W.
Butler, hon. P.
Callaghan, D.
Chalmers, P.
Chichester, J. P. B.
Clay, W.
Codrington, Sir E.
Collier, J.
Conyngham, Lord A.
Cookes, T. H.
Crawford, W. S.
Crawley, S.
D'Eyncourt, rt. h. C.T.
Divett, E.
Duncombe, T.
Dundas, hon. J. C.
Dundas, J. D.
Elphinstone, H.
Etwall, R.
Evans, George
Ewart, W.
Ferguson, Sir R.
Ferguson, Robert
Fielden, J.
Finn, W. F.
Fitzroy, Lord C.
Fitzsimon, C.
Fort, J.
Gaskell, Daniel
Gisborne, T.
Guest, J. J.
Gully, John
Hall, Benjamin
Hardy, J.
Harvey, D. W.
Hawes, B.
Hawkins, J. H.
Hector, C. J.
Hindley, C.
Hodges, T. L.
Holland, E.
Hume, J.
Humphery, John
Hutt, Wm.
James, William
Jephson, C. D. O.
King, Edward B.
Lambton, Hedworth
Langton, Wm. Gore
Leader, J. T.
Lister, E. C.
Lushington, Dr.
Lushington, Charles
Lynch, A. H.
Macnamara, Major
Maher, John
Mangles, J.
Marjoribanks, S.
Marshall, Wm.
Marsland, H.
Molesworth, Sir W.
Morrison, J.
Mullins, F. W.
Musgrave, Sir Robert,
  Bart.
Nagle, Sir R.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, Morgan
Ord, W. H.
Oswald, James
Palmer, General
Parrott, Jasper
Pattison, J.
Pease, J.
Pendarves, E. W.
Phillips, Mark
Phillipps, Charles M.
Ponsonby, J.
Potter, R.
Power, James
Pryme, George
Ramsbottom, John
Rippon, Cuthbert
Roche, William
Roebuck, J. A.
Rundle, J.
Russell, Lord
Russell, Lord Charles
Ruthven, E.
Sanford, E. A.
Scholefield, Joshua
Seale, Colonel
Simeon, Sir R.
Sinclair, Sir George
Smith, B.
Strickland, Sir G.
Strutt, Edward
Stuart, Lord J.
Stuart, V.
Tancred, H. W.
Thompson, Colonel
Thornley, Thomas
Tooke, W.
Trelawney, Sir W. L.
Tulk, C. A.
Turner, W.
Tynte, C. J. K.
Vigors, N. A.
Villiers, C. P.
Wakley, T.
Wallace, R.
Warburton, H.
Ward, Hen. George
Wason, R.
Wemyss, Captain
Whalley, Sir S.
Wigney, Isaac N.
Wilde, Sergeant
Wilks, John
Williams, W
Williams, W. A.

Wood, Alderman
Wyse, T.

TELLERS.
Grote, George
Buller, C.

List of the NOES.

Adam, Admiral
Alsager, Captain
Alston, Rowland
Arbuthnot, hon. H.
Archdall, M.
Ashley, Visc.
Astley, Sir J.
Attwood, M.
Bagot, hon. W.
Baillie, H. D.
Balfour, T.
Barclay, David
Barclay, C.
Baring, Francis T.
Baring, H. Bingham
Baring, W. B.
Baring, T.
Barneby, John
Beaumont, Thos. W.
Beckett, Sir J.
Belfast, Earl of
Bell, M.
Benett, J.
Bentinck, Lord G.
Beresford, Sir J. P.
Berkeley, hon. F.
Blackburne, J.
Blackstone, W. S.
Bolling, Wm.
Bonham, R. Francis
Borthwick, Peter
Bowles, G. R.
Bradshaw, J.
Bramston, T. W.
Brownrigg, S.
Bruce, C. L. C.
Bruen, Colonel
Bruen, F.
Buller, E.
Buller, Sir J. B. Yarde
Burrell, Sir C. M., Bt.
Byng, George
Byng, G. S.
Campbell, Sir H.
Canning, hon. C.
Canning, Sir S.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Cayley, E. S.
Chandos, Marq. of
Chaplin, Col.
Chapman, Aaron
Chisholm, A.
Clerk, Sir G.
Clive, hon. R. H.
Colborne, N. W. R.
Compton, H. C.
Conolly, E. M.
Corry, hon. H. T. L.
Crawford, W.
Crewe, Sir G., Bt.
Dalbiac, Sir C.
Dalmeny, Lord
Damer, D.
Darlington, Earl of
Denison, John
Dick, Quintin
Dillwyn, L. W.
Dottin, Abel Rous
Dugdale, W. S.
Dunbar, George
Duncombe, W.
Dundas, hon. T.
Dunlop, J.
East, J. B.
Eastnor, Viscount
Eaton, R. J.
Egerton, Lord Fran.
Elley, Sir J.
Estcourt, Thos. G. B.
Estcourt, Thos.
Fancourt, Major
Farrand, R.
Fazakerley, J. N.
Fector, John Minet
Feilden, W.
Ferguson, G.
Finch, George
Fleming, John
Foley, Edw. Thos.
Folkes, Sir W.
Follett, Sir W.
Forester, hon. G.
Forster, C. S.
Fremantle, Sir T. W.
Gaskell, James Milnes
Geary, Sir W. R. P.
Gladstone, T.
Gladstone, Wm. E.
Gordon, hon. W.
Goring, H. D.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greene, Thomas
Grimston, Viscount
Grimston, hon. E. H.
Hale, R. B.
Halford, H.
Halse, James
Hamilton, Geo. Alex.
Hamilton, Lord
Harcourt, G. G.
Harcourt, G. S.
Hardinge, Sir H.
Harland, W. C.
Hawkes, T.
Hayes, Sir E. S., Bt.
Heathcote, Gilb.
Henniker, Lord
Hillsborough, Earl of
Hinde, J. H.
Hobhouse, Sir J. C.
Hoskins, K.
Hotham, Lord
Houldsworth, T.
Houstoun, G.
Howard, R.
Howard, P. H.
Howick, Viscount
Hoy, J. B.
Hughes, Hughes
Inglis, Sir R. H., Bt.
Irton, Samuel
Jackson, Sergeant
Jermyn, Earl
Johnstone, Sir J.
Johnstone, J. J. H.
Jones, Wilson
Jones, Theobald
Kerrison, Sir Edw.
Kirk, P.
Knight, H. G.
Labouchere, H.
Law, hon. C. E.
Lawson, Andrew
Lefroy, A.
Lefroy, rt. hon. T.
Lemon, Sir C.
Lennox, Lord G.
Leveson, Lord
Lewis, David
Lewis, Wyndham
Lincoln, Earl of
Loch, J.
Long, W.
Longfield, R.
Lowther, Visc.
Lowther, J. H.
Lucas, Edward
Mackenzie, S.
Mackinnon, W. A.
M'Leod, R.
M'Taggart, J.
Mahon, Viscount
Marsland, T.
Martin, J.
Maule, hon. F.
Maunsell, T. P.
Maxwell, H.
Meynell, Capt.
Miles, William
Miller, Wm. Henry
Milton, Viscount
Mordaunt, Sir J., Bt.
Moreton, A.
Morpeth, Viscount
Neeld, John
Nicholl, Dr.
Norreys, Lord
North, F.
Ossulston, Lord
Palmer, Robert
Palmer, George
Palmerston, Visc.
Parker, M.
Patten, J. Wilson
Pechell, Captain R.
Peel, rt. hon. Sir R.
Pelham, John C.
Pemberton, Thomas
Pigot, Robert
Plumptre, J. P.
Polhill, Frederick
Pollock, Sir Fred.
Powell, Colonel
Price, S. G.
Price, Sir Robert, Bt.
Price, Richard
Pusey, P.
Rae, Sir Wm., Bt.
Reid, Sir J. R.
Rice, rt. hon. T. S.
Richards, J.
Richards, R.
Rickford, W.
Robinson, G. R.
Rolfe, Sir R. M.
Ross, Charles
Rushbrooke, Col.
Russell, C.
Sanderson, R.
Sandon, Viscount
Scott, Sir E. D.
Scourfield, W. H.
Seymour, Lord
Shaw, F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Col.
Smith, J. A.
Smith, A.
Smith, hon. R.
Smyth, Sir H., Bt.
Somerset, Lord G.
Spry, Sir S.
Stanley, Edward
Stanley, Lord
Stanley, W. O.
Stormont, Visc.
Strangways, hon. J.
Stuart, Lord D.
Sturt, Henry Chas.
Surrey, Earl of
Talbot, C. R. M.
Tennent, J. E.
Thomas, Colonel
Townley, R. G.
Trevor, hon. A.
Trevor, hon. G.
Twiss, H.
Vere, Sir C. B., Bt.
Vernon, Granv. H.
Vesey, hon. T.
Vivian, John Ennis
Vyvyan, Sir R.
Wall, C. B.
Walpole, Lord
Walter, John
Welby, G. E.
Westenra, hon. H. R.
Weyland, Major
Whitmore, Thos. C.
Wilbraham, G.
Wilbraham, B.
Williams, Robt.
Williamson, Sir H.
Wilmot, Sir J. E.
Wilson, H.

Wood, C.
Worsley, Lord
Wrightson, W. Battie
Wynn, rt. hon. C. W.
Young, G. F.
Young, J.
Young, Sir W:

TELLERS.

Poulter, J. S.
Smith, Robert V.

Paired Off.

FOR.	AGAINST.
Mr. Speirs	Sir H. Goodricke
Mr. Methuen	Mr. Bannerman
Mr. W. Barron	Colonel Wood
Mr. Walker	Sir E. Knatchbull
Mr. A. Johnstone	Mr. T. F. Buxton

Bribery at Elections.] Mr. *Hardy* moved for leave to bring in a Bill to prevent bribery and corruption at elections of Members to serve in Parliament. [Mr. *Hume:* Will it contain a provision against head-money?] There was a provision to that effect in the Bill. He hoped that in the Bill remedies would be provided to put an end to bribery, as far as such an end could be obtained by legislation. To put an end to corruption altogether would, perhaps, be impossible by any human means. The provision on which he principally relied, was the power of calling both principal and agents to the bar, and subjecting them to a strict examination. It would prove more effectual even than the Ballot itself. When it was in their power to get at the most intimate agent, and to examine, it would strike a most effectual blow at corruption. Neither penalties, nor even the Ballot would be so effectual as that. The Ballot could afford no remedy in such a case as that of Carlow, where a candidate placed 2,000*l.* in the hands of an individual to be divided among a constituency. The Bill contained a provision to meet such a case. The most effectual way to turn a Member out of a seat which he had obtained by corruption would be to get at his agents. No other method could be so effectual as that.

Mr. *O'Connell* said, that it seemed to him that the hon. and learned Member had taken the trouble to make a speech in opposition to the vote he had just given on the question of the Ballot. He (Mr. O'Connell) was obliged to the hon. Member for his vote, but he assured him he much preferred it to his speech. As to the Bill itself, he hoped it would have a retrospective effect, so that those who had heretofore been guilty of bribery in any shape whatever should be incapacitated from afterwards sitting in that House; or if a man gave head-money against his conscience, and afterwards solemnly declared that he had done no such thing, what was the value of such a declaration? However, he thanked the hon. and learned Member for bringing in this Bill. He seemed peculiarly qualified by learning, and talents, and experience—to undertake such a task. It seemed as though there were no shifts of bribery or corruption that the hon. Member could not discover. Therefore he had great confidence in the Bill. He believed that it would purge all bribery, from the head to the tail; but all he implored of the hon. and learned Member was, that he would allow it to have a retrospective effect on all past-going bribers, so that they might not boast of having a conscience clear of all crime in regard to bribery, when perhaps the sin remained as deep as ever.

Leave given.

Commissions.] Colonel *Sibthorp*, in rising to move for a return of the various commissions which had been issued by the Government, said his object was to show the country what little faith ought to be attached to those professions about economy which had been so frequently made and repeated by the present liberal Government. He had so long back as the 9th of February in last year moved for a return of the number of commissions issued, but was unable to obtain it until the middle of November last. The cause of the unwillingness to produce that document was manifest; and on examining it, he soon perceived that the object of the Government was to mystify and evade inquiry. In that return the Record Commission had not been included, under the pretence that it did not come within the description contained in his motion. Nevertheless that Record Commission continued to exist to the present day, and had cost the country no less a sum than upwards of 700,000*l.* A very great many Commissions in existence were not noticed in the returns which had been produced, and among them was a sort of roving Commission conducted by Mr. Villiers and Dr. Bowring, to inquire respecting the commercial relations existing between this country and France and Switzerland. He did not know what salary was given to the hon. Member for Kilmarnock burghs, but it was his opinion that the hon. Member would only have acted in conformity with the law if, after accepting such an appointment, he had vacated his seat in Parliament. Perhaps the hon. Member received no regular salary; but did the hon. Member receive no grants of the public money from the Treasury? The expense to the country of the Commissions mentioned in the return was not less than 427,698*l.* Since 1830, forty Commissions had been issued, only three of which had emanated from a Tory Government, and of those three one had been continued by the Government now in existence. The motion which he now intended to make was to the following effect;—"That a return be presented of all Commissions issued or appointed under Act of Parliament; the number and names of the Commissioners, assistant-Commissioners, Secretaries, and Clerks attached to each; stating whether any of them were employed in more than one Commission—the places of meeting of the Commissioners—the number of their sittings, and the date when each Commission was issued; together with the amount of allowances paid to the Commissioners and other officers; the return to be made up to the latest possible period. He anticipated a refusal on the part of his Majesty's Government, but he could not reconcile such a refusal, if it should be his lot to meet with it, with those professions of economy which Ministers had always made, and on which they prided themselves. He thought their line of conduct odious—odious because it entailed expense on the country, and rendered the cause of that expense unintelligible. The country had a right to know why it paid that which was exacted from it, and as it was criminal in any Ministry to withhold the knowledge on such a subject demanded by the people, it was insulting on the part of a Ministry which had always plumed itself on its tenderness for the purse of the nation.

Mr. *Francis Baring* had no objection to furnish the returns asked for by the hon. and gallant Member, provided that he would so limit the details as to make the preparation of the returns easy. It was not for himself that he spoke, but for the clerks who would have to expend much labour in reducing to a compendious form the entries and minutes in their books. Those clerks, however, were most anxious on every occasion to comply with the wishes of any hon. Member who might call for returns; and in proportion to their zeal, the unwillingness of the House to trouble them ought in his opinion to be. The hon. and gallant Member was a little too exorbitant in his demands, and more likely to injure the Government of which he was a supporter than that now in office. When, for instance, he adverted to the Record Commission and when he denounced the expenditure of 700,000*l.* on that Commission, he should recollect that his Majesty's Ministers were only responsible for 60,000*l.* of that sum, and that the remainder was to be accounted for by the hon. Gentlemen opposite. The hon. and gallant Officer might add up his pence and his farthings, as he had done that night, but with all his nicety of computation, he would find the discreditable expenditure on that Commission, if indeed there were any, to have been authorised by his own Friends. It was very well for the hon. and gallant Member to complain that, in the returns already furnished, no mention had been made of the Tithe Commissioners, but surely it must have escaped his recollection that those Commissioners could not be included in a return made up to the 9th of February, 1836, when the Act which sanctioned their appointment had not been passed. A similar objection would apply to the presumed deficiency on the subject of the Commissioners of rural police, who, in the first place, sat only in summer; and, in the second, were unpaid. The African Commission was one of which he knew nothing, and of the existence of which he was somewhat doubtful; but the hon. and gallant Member was surrounded by official persons of good memories, who might give him the information he was anxious to acquire. There certainly was a grant to the Committee of Merchants on the African coast, a justifiable grant, too, but one not originated by the present Government. There were two Commissioners of police also, and if the hon. and gallant Member were displeased with the functions or remuneration of those gentlemen, he had better apply to the right hon. Baronet near him (Sir R. Peel), and then perhaps he would be satisfied. The Revising Barristers were not Commissioners, and the hon. and gallant Member would do well to make plain and palpable to himself the real nature of a Commission. Dr. Bowring had been employed, so had Mr. Villiers, to make certain reports, but neither of those Gentlemen had been nominated Commissioners. The printing of these reports would be expensive, and he hoped that the hon. and gallant Member would let that fact persuade him to modify his motion.

Colonel *Sibthorp* had a great respect for the clerks of the Treasury, and was only sorry that the heads of departments did not perform their duties with a zeal equal to that of their subordinates. He must, however, insist on having returns more distinct than those which he had hitherto obtained.

Mr. *Roebuck* would really put it to the House whether it was not a burlesque, a farce, and a most expensive farce withal, for hon. Members to demand returns of this nature for their mere amusement.

Mr. *A. Trevor* was of opinion that the country would feel itself much indebted to his hon. and gallant Friend, and would repudiate the offensive imputation that the motion then before the House was a burlesque.

Mr. *Richards* did not think it a burlesque to inquire into the expenditure of a sum amounting to 500,000*l.*: neither would the hon. Member for Middlesex acquiesce in such a doctrine.

Return, with some modifications, ordered.

HOUSE OF COMMONS,

Wednesday, March 8, 1837.

MINUTES.] Bills. Read a second time:—County Bridges.

Petitions presented. By Mr. JOHN FIELDEN, from Oldham.—By Mr. G. PALMER, and other Hon. MEMBERS, from many places, against the New Poor-law Act.—By Captain ALSAGER, from Merchants in London, for the better Regulation of Steamers.—By Mr. SCHOLEFIELD, from the Birmingham Union Gift Society, for Amendment of Benefit Societies' Act.—By Mr. Sergeant JACKSON, from Cork, Cloyne, and Ross, against the present system of Education (Ireland).—By Mr. SCHOLEFIELD, Mr. LEADER, and other Hon. MEMBERS, from Birmingham, Leicester, and other places, for Repeal of Duty on Soap.—By Sir OSWALD MOSELEY, and other Hon. MEMBERS, from Uttoxeter, and other places, against County Rates Bill.—By Mr. COLLIER, from Plymouth; and Mr. WALLACE, from Greenock, for Alteration of the Law relating to Bonding Warehouses.—By Mr. FITZGIBBON, Mr. O'CONNELL, and other Hon. MEMBERS, from various places, in favour of Municipal Corporations (Ireland) Bill.—By Mr. Sergeant JACKSON and Mr. HAMILTON, from St. Mark, St. Anne, St. George, Dublin, against the said Bill.—By Mr. HASTIE, and other Hon. MEMBERS, from Paisley, Wigan, and other places, for Repeal of the Duty on Cotton Wool.—By Viscount SANDON, from Liverpool Guardian Society, against Imprisonment for Debt Bill.—By Colonel BUTLER and Sir SAMUEL WHALLEY, from Grange and Grove Kells, for Vote by Ballot.—By Colonel BUTLER, Mr. O'CONNELL, and Mr. MORGAN JOHN O'CONNELL, from Donamaggan, and various other places, for Abolition of Tithes (Ireland).—By Viscount SANDON, and other Hon. MEMBERS, from London, Liverpool, Stockton, and other places, for Repeal of Duty on Tobacco.—By Mr. HODGSON HINDE, from Isle of Man, against assimilating the Customs Duties of that Island to those of the United Kingdom.—By Mr. ROBERT FERGUSSON, from East Linton and Daley, against the creation of Fictitious Votes (Scotland).—By Mr. POTTER, from Wigan, for the Repeal of the Corn-laws.—By Mr. FOX MAULE, from Dundee and Arbroath, for Repeal of Duty on Fire Insurances; and from Aberfield, for Small Debts (Scotland) Bill.—By Mr. FOX MAULE, from Dunblane, for a Bill for the Appointment of Magistrates and Councillors to certain Burghs in Scotland.—By Sir GEORGE STRICKLAND, from Randon, Huddersfield, for Repeal of Duty on Foreign Wool and Olive Oil.—By Captain ALSAGER, and several other Hon. MEMBERS, from Kingston-upon-Thames, and various other places, against the Abolition of Church-rates.—By Mr. HASTIE, from Paisley, for a Steam Communication to India; and also from the same place, against any further Endowments to the Church of Scotland.—By Lord GRANVILLE SOMERSET, from Crawley, in support of Church-rates.

AFFAIRS OF CANADA—ADJOURNED DEBATE.] The House went into Committee on the Canada Acts, and the adjourned debate was resumed.

Mr. *Hume* was sorry to be called upon to oppose the proceedings of his Majesty's Ministers, but he considered that the present was one of the most unwarrantable proceedings he had ever witnessed in that House, with the exception of the Coercion Bill for Ireland. With that proceeding his Majesty's Ministers ought not to be allowed to go on, and if they attempted to do that, he at least should state fairly his opinion as to what were the results likely to follow from it. Believing that their proceeding was a violation of every thing that ought to be sacredly respected he rose to address that House. The question then before them was one that appeared to him to involve civil war. It behoved every person who entertained such an opinion to speak out fairly upon the question, and if possible to avert the impending danger. That the danger was great must be manifest from all they had heard, from all they knew, and from the documents upon the table. He considered that before they called for a coercive measure against any class of society, and particularly against the British subjects in Lower Canada, they should satisfy the House that those persons had been justly governed, or that they had not given them cause for complaint, or having given them such cause, that it ceased to exist—that they had adopted the necessary measures to remove the grounds for discontent, and bring about conciliation and a proper understanding between the colony and the mother country. What, he asked, was the value of her colonies to England, if she treated them as conquered provinces? What would be their value if they were to require continually the application of physical force to preserve them in obedience?—of what use would such colonies be to England? It would be much better that she was without colonies, if they were to be a source of weakness and not a supply of strength. What would be the benefit they could confer on this country, if they were to be fettered with the chains of slavery, and only to be restrained by coercive measures such as were now proposed? Let them look to the condition of Lower Canada with regard to this country. They were now about to take up measures of coercion, to compel the Canadians, if they could, to adopt measures inconsistent with their liberty, hostile to the charters to which that people had a right, and contrary to the act of the Legislature by which their independence was guaranteed. If, instead of affording to the Canadians beneficial protection, they had acted unjustly, the House ought to pause before they consented to pass the resolutions which were on the table of the House. The noble Lord had not told them of the strife that existed between the people of Lower Canada and England, nor why it was that they had determined upon resistance. It was because they had approached that House year after year, that they had year after year gone to the Throne, and had laid before both the grounds of their complaint. Even two Committees of that House admitted the reasonableness of their complaints, and recommended that they should be remedied; and yet, by the speech of the noble Lord, it was admitted that all the evils under which they laboured were to remain uncorrected. He considered the Colonial-office as one of the greatest nuisances connected with the Government. He did not know whether the fault rested with the noble Lord at the head of the department or with the clerks, as the hon. Member for Bath had hinted, but this he must say, that he was quite sure that it stood in the way of justice being done to the Colonies. He held in his hand a paper of some importance; it was a petition from the House of Assembly of Lower Canada, to which he begged attention, and also to the circumstances under which this petition was brought forward. This petition proved the complete want of attention and culpable negligence on the part of the Government. The petition was signed by upwards of 87,000 inhabitants of the colony, and upon its being presented to the House it was referred to a Committee. That Committee, on the 18th of July, 1828, reported to the House that the embarrassments and discontent which had long prevailed in Canada had arisen from various defects in the system of the Legislature and the Constitution established in that colony; that those embarrassments and discontents were in a great measure attributable to the manner in which the executive system was administered; thus laying the whole blame on the Colonial-office of that day. But at that time we had a Tory Colonial-office, and he was not surprised at this; but now, though the council of his Majesty was changed from a Tory to be a Whig one, it was by no means clear to him that greater justice had not been done by the Tories to the colonies than by the Whigs since they came into office. Such must be the opinion of any candid person, if he judged of the complaints so loudly and generally made from every colony of Great Britain. There was not one of them that was satisfied. This was not the state of things when the Whigs succeeded to office. They had discontent then, he admitted; but the complaints were not so extensive. It was admitted, then, that there were great abuses; but it was said that there was no time to inquire into them, as we were engaged in reforming the abuses of our own system. But had not the colonies an equal right to expect a redress of their grievances at the same time as well as this country? Unfortunately the same abuses existed now that existed in 1828. He would show, before he sat down, that the same system of abuses, alike disgraceful to the Ministers of the Crown, had continued up to the hour he was speaking. If he made out this case, he would appeal to the House, and ask if they would admit such causes of complaint to exist for a moment? He would ask them, was it fit or proper to call upon that House to abrogate the constitution of Canada and to deprive the people of Canada, of their liberties. The petition of the people of Canada stated that no alteration or improvement with respect to Canada could be attended with the desired effect, unless they established a constitutional system of government in that country. But what more did this petition contain? It contained amongst other things, the allegations involved in the amendment of his hon. Friend (Mr. Leader). The second paragraph of the petition expressed their deep regret that neither the recommendations nor the benevolent intentions of that honourable House had been executed by the Executive Government in a manner so as to produce the desired effect. The recommendations of the Committee of 1828, had now, up to the year 1834 never led to any redress whatever. The people of Canada had hoped that the House of Commons of Great Britain had seen an effectual remedy of the evils of their system, when their agent was asked in Parliament if he thought that a Legislative Council could obtain the respect of the people unless the principle of election was introduced into its composition, and he answered that it could not, and that no measure could give peace to Canada or satisfaction to the Canadians unless this principle was conceded to them. All reforms which were beneficial to the country, all the wants expressed by the almost universal opinion of the House of Assembly of that country, were thwarted and set at nought by the proceedings of the Legislative Council. They had in Canada an assembly not only impeding all reform, but the individuals forming which were admitted by the noble Lord (Lord John Russell) to have been guilty of high offences—and even disgraceful crimes. These persons were continued in office up to the present moment; and the noble Lord only told them that henceforth no individual should be appointed to the Legislative Council who had been convicted of disgraceful offences.

Sir *G. Grey* said, that the hon. Member was mistaken in stating that Lord John Russell had used those words. What his noble Friend said was, that whereas the Act of 1791 did not give the power of dismissal except in the case of offences against the Government, he would introduce a Bill to alter that enactment by giving the Crown the power of dismissal in the case of persons who should be convicted of a misdemeanour.

Mr. *Hume* said, that the Crown had this power without the interference of Parliament, and had used it over and over again. This was merely throwing out a tub to the whale. There was no advantage whatever in it; and to put this forward as a counterpoise to the privileges they were about to deprive the people of Canada of was most unjust. The petition to which he had before referred consisted of sixteen pages; it was presented to that House as containing at full length an exposition of the abuses that existed in Canada, and the complaints made by the people of the colony. What had that House done? Literally nothing. What did the Canadians do? The people of Canada, finding that his Majesty's Government was unwilling to carry into effect the wishes of that House, drew up ninety-two resolutions, detailing the abuses which were continued in Canada. Their complaints had been repeated again and again; but they had received no more attention from the Executive Government, notwithstanding the promises and remonstrances of that House. The second Committee pointed out to the Government the necessity of conciliation, and of doing away with abuses; but, notwithstanding their remonstrances, the Executive Government kept on in the same course; the same system, so disgraceful to all the parties concerned, except those who were sufferers, were continued up to this day. In resolution 11 they affirmed that the Legislative Council ought to be popular and independent in order to obtain confidence; and that nothing but the principle of election would give satisfaction to the country, and place them in that station to which they claimed a right—that of a constitutional government. The existing system did not produce the result of good government. Lord Glenelg directed the Commissioners to inquire whether the Legislative Council had been productive of good government, and whether it answered the purposes for which it was instituted. In conformity with these directions the Commissioners endeavoured to ascertain how far the Legislative Council had answered the object of its institution, and of what amendments they considered it susceptible. What was the result of these inquiries? The Commissioners all admitted that it did not answer its purposes; but that, on the contrary, it was the cause of all the abuses that were complained of, the cause of the stoppage of justice, and the cause of the failure of those measures of legislation which the representatives of the country deemed necessary. The Commissioners were also directed to inquire into the most effectual means by which the Legislative Council might be formed so as to enjoy the greatest share of the public confidence, and the exercise of an independent judgment. What was the result of this inquiry? The Commissioners stated that, as at present constituted, the Legislative Council did not answer these purposes, it did not give satisfaction, it did not obtain the confidence of the people: on the contrary, the commissioners told them—and it was well worth attention—in their last address of September, 1836, that the provincial legislatures were interfered with and paralysed in their functions by the Legislative Council. How was that Council constituted? There were incapable and improper men in that Council—men whose conduct was disgraceful in their high station—men who had lost the confidence of the people and of the House of Assembly—men who had been guilty of tyranny and oppression in its worst character. This system was disgraceful. The Commissioners stated that it was necessary that essential reforms should be introduced into the Administration. This was in 1836; the petition from 87,000 of the people of Canada had been presented in 1827; and since that time up to the present hour no improvement or amelioration had taken place. The Canadians had for ten years borne this system of misgovernment. The people of England were ignorant of the extent of the oppression that was exercised, otherwise they would not so long have allowed the system to continue. Not only did the Legislative Council continue to act contrary to the interests of the community, but the governor of the province had taken upon himself the responsibility of taking the funds out of the treasury of the colony without the consent of the House of Assembly. Was not this a sufficient ground for complaint and discontent? The House of Assembly complained that the Executive Council stopped all legislation that was for the interest of the colony. They complained of the rejection by the Legislative Council of all Bills that were for the benefit of the colony. In 1822, eight Bills were thus lost of the greatest public importance; in 1823, the number of Bills thus lost was fourteen; in 1824, twelve; in the following year, twelve also; in 1826, nineteen; in 1830, sixteen; in 1831, eleven; and in 1832, fourteen. These Bills were all passed by the House of Assembly, and were of the greatest interest to the country. He was satisfied that any hon. Gentleman who read over these grievances would see that it was not without good reason that the House of Assembly had come to the resolutions to which he had alluded. The people of Lower Canada complained that Lord Gosford, in laying before the House of Assembly his instructions, withheld some most important information, which was not known to the House of Assembly of Lower Canada till it was published in Upper Canada by Sir Francis Head. Was it likely to promote conciliation, or to heal the differences that existed in this important province, to find the Commission that was sent out to satisfy the colony acting in this manner? The knowledge of this fact was quite sufficient to induce the House of Assembly to come to the resolutions they had adopted. These resolutions were the only consistent course of proceeding that the House of Assembly could adopt—he meant particularly the resolution of stopping the supplies. The noble Lord (Lord John Russell) stated that the supplies were stopped in the House of Assembly. It was no such thing. The noble Lord had stated that which was not correct when he stated that the supplies were stopped in the House of Assembly. The House of Assembly passed the supplies, and on the 29th of February, the Bill for the Supply went up to the Legislative Council, who, on the 9th of March, threw out the Bill. The Legislative Council insisted that the arrears should be paid, and the House of Assembly said, "Redress our grievances first." They were determined to have their complaints attended to before they granted the arrears of supply. The right hon. Gentleman, the Chancellor of the Exchequer, when Colonial Secretary, took upon himself to do that which was a most unjustifiable proceeding. He took upon himself, as Colonial Secretary, to violate the constitution by appropriating from the military chest the sum of 31,000*l.* to make up the deficiency of the supply that had been voted. Such a proceeding was contrary to the interests of the colony, and contrary to the privileges which they enjoyed under the constitution. He would be glad to know what precedent there was to justify this? He found that in 1828, when a petition was presented from Upper Canada, a petition was at the same time presented from Lower Canada by Mr. (now Lord) Stanley. What did that petition complain of? It complained in the same manner of the Legislative Council of Upper Canada, as they now complained of the Legislative Council of Lower Canada. What did Lord Stanley say in his letter acknowledging the receipt of that petition? Upon the subject of the Legislative Council the noble Lord did not hesitate to say, without meaning any disrespect, or casting any reflection upon the individuals that composed it, that it was the root of all the evils complained of in both provinces; and he further added that a constitutional remedy was open to the public, by stopping the supplies. This was the advice of Lord Stanley when he presented the petition in 1827, and he held in his hand a copy of the letter that was sent to the chairman of the Reform Association of Upper Canada. The Legislative Council thus described by Mr. Stanley still continued in office, and was it a matter of surprise that complaint and discontent also continued? One was the natural and inevitable result of the other. Lord Glenelg himself, in one of his dispatches to Canada, stated, that he did not deny the power of the House of Assembly to refuse the supplies where a case of necessity existed for so doing; and yet should it now be said, at a time when the grievances of which they had complained, and complained of for years, were still unredressed, that the power of levying and appropriating the public funds should be taken out of their hands, and that, in open defiance of their wishes and votes, money should be taken out of their treasure-chest, and applied to purposes which they did not approve of? The noble Lord, the Home Secretary, said the other night, that the Imperial Parliament had the power to appropriate the funds of the Canadians, so that they did it for the use and benefit of Canada. But who was to judge what was for their benefit but themselves? And they in their judgment had already declared that they did not think these payments, under existing circumstances, were of that nature, and refused to grant them. Was it fit, was it proper, in defiance of a positive act of the Assembly, to attempt, by a resolution of the English House of Commons, to override the liberties of the Canadians, and deprive them of their undoubted privileges, which they held by virtue of an Act of Parliament? He would now state to the Committee the reason why the Canadians refused to grant these supplies. They were of opinion that the Legislative Assembly contained many improper persons, persons who were wholly disqualified for the due administration of their several functions, and the House of Assembly refused their salaries accordingly. He was quite ashamed that the noble Lord should come down and propose the enforcement of payments in this unconstitutional manner which the Assembly had disallowed. Amongst the persons whose salaries were thus refused, for instance, was one who, being a member of the Legislative Council, acted also as clerk to the Executive Council, and the House of Assembly, decreeing these two offices to be wholly incompatible, very properly refused to pay this individual's salary as clerk of the Executive as long as he remained a member of the Legislative Council. Then there was the Speaker of the House of Assembly, with a salary of 900*l.*, and who held several other lucrative offices; and the Assembly consented to allow him this salary provided he did not continue to receive any equally large sum from any other public situation. Then as to judges, about whom such a melancholy tale had been narrated the other night by the noble Home Secretary. These persons, besides their judicial offices, held several other lucrative situations under the Crown, and the House of Assembly very properly refused to allow them their salaries in the former capacity as long as they retained other situations of the kind, a practice so incompatible with their high and solemn functions. The noble Lord spoke with much indignation of the pretence set up by the Canadian Assembly to refuse supplies unless accepted under conditions in this way. He, however, insisted that such a proceeding was a very constitutional and a very proper one. Lord Goderich himself had admitted the right of the House of Assembly to vote their supplies with any conditions which they thought fit. In the exercise, therefore, of their privilege and their duty in accordance with this principle, the House of Assembly had refused to allow salaries to parties who held several incompatible offices. They consented to give salaries for some of these offices, but not for all, and he thought they were perfectly right in making this condition. In this country, Government was so sensible of the justness of this principle, that they scarcely dared to appoint a pluralist to office—and why, let him ask, should they insist upon a different rule in Canada to that adopted in Great Britain? With respect to the failure of Lord Gosford's mission, that result was not owing to any fault on the part of his Lordship. How could it be expected that a peaceable adjustment could be effected by him, when he had not the power of granting one concession, or of applying a remedy to one of the numerous grievances which were crying out for redress? For ten long years had the people of Lower Canada patiently put up with this state of things; for ten years had they called upon this country for justice, hoping at length, by fair means, to obtain what they required; for ten years were those appeals neglected, those grievances and complaints utterly disregarded, and the utmost inattention paid to all their representations. Was there no limit to human patience? Was there not a stage of oppression and insult which might drive the patient to madness? When this period arrived—when all hope of obtaining justice from the good feeling of others, was wasted in neglect—were the people of Lower Canada to blame because they, in the mildest and gentlest manner, refused to vote away their money, unless their abuses were remedied? Were the people of this country so blind to their own rights and interests as to allow the noble Lord to over-ride the people of Lower Canada, and deprive them of their constitutional rights. All the people of Lower Canada required of England was this—" Do unto us as you would be done by." With this reflection on their minds—with the abuses unredressed which he had enumerated—would the people of this country stand by, and consent to the passing of this coercion Bill for the people of Canada? But even if it were passed, there was another question—would they be able to enforce it? The House of Assembly, in 1836, voted all the supplies they had been accustomed to vote, with the exception of the items they objected to, for the reasons above stated. What would be said if the House of Commons were to-morrow to vote that a judge of the land should receive his salary, provided he did not also hold another office, and receive pay as Speaker of the House of Commons? Would that be deemed so unwarrantable and unconstitutional a condition? And suppose the Bill of Supply so framed were to be sent up to the Upper House, and they were to refuse to pass it, or rather to put it into Committee, from which it was doomed never to come out? If the House of Lords in this country would have a right so to interfere with the authority of the House of Commons in matters of supply, then, and not otherwise, was the Legislative Assembly justified in what they had done with respect to the votes of the Representative Assembly. But if they were not justified in the course they had pursued, what right had the ministry of this country to come down, and call upon the House of Commons to enforce the payment of money, without the express conditions imposed by the House of Assembly; grants to which, under circumstances, they would not assent to?

Sir *George Grey* begged to observe, that the Government did not wish to enforce payments contrary to any of the conditions with which they were accompanied when last they were voted in 1833. The resolution did not propose to pay any items which had not been sanctioned by the Assembly in 1833.

Mr. *Hume* was speaking of the vote of 1836, when the conditions in question were introduced. Would the House of Commons, would the Government of this country, pretend to deprive the House of Assembly of their right and power to impose conditions in these matters? If they did, shame would stand on all their faces and all their heads. The Colonial Secretary admits the intention of the Government to do this injustice. The proceeding altogether was most unjustifiable, and while the people of this country were struggling for their rights, he would ask, were they not bound to assist the colonies, and protect them against oppression to the utmost of their power? He trusted the House of Commons would never sanction such a shameful exercise of power; he trusted the House would recollect that, some years ago, when supplies were voted by the House of Assembly for six months, and that a sum of 6,351*l.* was left unappropriated, in the hope that the local government would redress the grievance of keeping up the establishment for which that grant was formerly made, the colonial Government failed to correct the abuse; and what was the result? The Governor took that sum out of the military chest. When stating this fact he directed his observation more particularly to the Chancellor of the Exchequer, who was Colonial Secretary at the time, and he did it with the more confidence because Lord Glenelg, in one of his dispatches, had admitted that the House of Assembly had the right to withhold the supplies or not as they saw fit. Now, when these grievances were not redressed, and the House of Assembly refused the supplies, the Governor, with the sanction of the Colonial Secretary, seized the money; and was not that a monstrous proceeding? Was not that robbing the public purse? Why, what would be said if a minister here took 1,000*l.*, or any sum, out of the Exchequer, for any purpose, without the consent of the House of Commons? Would not a motion to sanction such a proceeding be rejected unanimously? Yet such a proceeding had taken place in Canada with the sanction of the Colonial-office. He must say, that such a measure was highly unconstitutional, and if the House of Commons represented completely the sentiments of the people, Mr. Rice and others would have been impeached and called upon to answer for their conduct at the time of this transaction.

Mr. *Roebuck* moved, that the House be counted. But more than forty Members being present, the debate proceeded.

Mr. *Hume* said, in continuation, that while the House was sitting and deliberating on the liberties of six hundred thousand of their fellow-citizens, it might have been expected that more than fifty Members would have been present. The hon. Member, after adverting to a declaration of the people of Canada, in which they set forth their grievances, and prayed for redress, said, the Government, in spite of the declarations and petitions of the people of Canada, was determined to persevere, and called upon the House of Commons to assist in passing a Coercion Bill against the House of Assembly to enable it to trample on the rights of the people of Canada. The language of the noble Lord amounted to that; and the language of the noble Lord was the language of all the Cabinet Ministers. They had made it a Cabinet question—they had all agreed in a measure for oppressing the people of Canada; and they called on that House to aid and join them in countenancing such illegal proceedings. If the majority of that House were to be the tools of the Cabinet in this transaction, it was high time for him, and those who acted with him, to tell the people of Canada what to do—to tell them that they themselves must provide the remedy. Their prayers here had been refused—they had been oppressed by the Colonial Minister—they had appealed to the throne, and all in vain. Hating, as he did, oppression at home or abroad, and indignant that he should be called on to act as a co-oppressor against the rights of men, and least of all against the rights of his fellow-subjects, he must express the greatest regret that such resolutions had ever been brought forward. The noble Lord in excuse said the House of Assembly had refused the supplies. He denied that, and the Cabinet, therefore, proceeded on a false pretence to take away the rights and privileges of their fellow-subjects. He trusted that a different course would be pursued, that means would be adopted for satisfying the people of that country, and that the Government would reflect before it was too late. He regretted the noble Lord was not present, because he was more likely to be open to conviction than some of those with whom he acted. He did not believe it was the act of the noble Lord, but, on the contrary, he believed he was the dupe of those who had got up the scheme. Had the noble Lord been present he would have asked him if he were prepared to act on a principle different from that on which he would act towards Ireland. The hon. Member for Bath had made the cases of the two countries as identical as possible, and the noble Lord, in answer to speeches made by hon. Members on the other side of the House, asking why he interfered with the system of Government existing in Ireland, said he considered it his duty to interfere whenever grievances existed and redress was refused. The noble Lord had said, he would follow the advice of Mr. Fox, and that advice was, that concession should be made to the people of Ireland, and if he found he had not conceded enough, he would concede more. " My wish," said Mr. Fox, " is, that the whole people of Ireland should have the same principles, the same system, the same operation of Government; and though it may be a subordinate consideration that all classes should have an equal chance of emolument, in other words, I would have the whole Irish Government regulated by Irish notions and Irish prejudices, and I firmly believe, according to another Irish expression, that the more she is under the Irish Government the more she will be bound to English interests." That was the principle on which the noble Lord had proposed to act towards Ireland, but now nothing was held out to Canada but threats and coercion. He should have thought the Government would have been tired of coercion; they ought to learn experience from the Irish Coercion Bill, for all the evil predicted of it had been verified. He would ask if Canada would be more satisfied than Ireland unless the same principle was acted upon—the principle of Mr. Fox, that the best way to govern Ireland was to let her have her own way. He would advise the noble Lord, therefore, to adhere to that principle, and govern Canada as he would govern Ireland. There were a number of passages in the Report of the Commissioners appointed to inquire into the grievances complained of in Lower Canada, which recommended measures incompatible with the constitution of Canada. It would be much better for his Majesty's Ministers to go openly to work, and to repeal the constitution of that country. Did any one suppose that the people of Canada would be alarmed by such a paper as the Report of the Commissioners going out to them? Let the House remember that the people of no country were long dissatisfied without having good ground for their discontent. To the grievances which the people of Canada already suffered was now to be added the grievance which the noble Lord proposed to inflict upon them by his resolutions. He raised his voice on the part of the people of England against such a proceeding. The people of England, while they maintained their own rights, were always desirous of supporting the rights of others. It was in opposition to their feelings that the just complaints of others should be neglected. The Canadians were men like ourselves. If we superseded all their constitutional rights, if we deprived them of the privilege of legislation with reference to their own finances, and compelled them to pay money to persons whom they considered unworthy, the people of England would unite in reprobation of such conduct. So much with regard to Lower Canada. Now for Upper Canada. He had only that day seen a document, published recently in a London newspaper, in which he was charged, in no measured terms, with holding treasonable opinions towards the people of Upper Canada. He would then, and once for all, show how little liable he was to that charge; although, when he considered by whom it was made, and the tone in which it was couched, he could not believe that it would for a moment be believed by any rational person. The document to which he alluded was published in *The Times;* and it purported to be the report of a Select Committee of the House of Assembly of Upper Canada, to which had been referred the consideration of a petition of Mr. T. Duncombe, a Member of the House of Assembly, which had been presented to the House of Commons. That petition was presented to the House of Commons in the last Session of Parliament, just before the prorogation. He (Mr. Hume) had been requested to present it, as he had before presented other petitions from Canada. He would now make a few observations upon the report of the Committee; hoping that no time would be lost in obtaining from the Government of Upper Canada those documents which would enable him to contradict the statements of that report completely. At the same time he must at once protest against its being supposed to speak the sentiments of the House of Assembly. He knew from whom it emanated. The Committee was composed of six Tories and three Reformers; and he repeated his protest against their being supposed to speak the sentiments of the House. In that report, after alluding to Mr. Duncombe's statements and endeavouring to refute them, the Committee thus proceeded:—

"Before closing their report the Committee feel it their duty to call the attention of your hon. House and the country to the fact that the petition of Mr. Duncombe was presented to the House of Commons by Mr. Joseph Hume, a Member of the Imperial Parliament for the county of Middlesex, and that that Gentleman appears to have been chosen as the agent through whom Mr. Duncombe and Mr. Robert Baldwin have conducted their communications with the Colonial-office. And it further appears from letters of Mr. Hume addressed to some of the Ministers of the Crown, that he is desirous of representing himself as the agent, or, at all events, as being authorised to express the sentiments, of the people of Upper Canada on the subject of their political feelings, and the public affairs of the province. Your Committee are of opinion, that the honour and character of his Majesty's loyal subjects in this province require that it should be promptly and emphatically declared by their representatives that Mr. Hume is among the last men they would select to advocate their cause, or represent their feelings or wishes to the British nation. The people of Upper Canada recollect that in the year 1834 Mr. Joseph Hume addressed a letter to a correspondent of his in this country, which, referring to his correspondent's recent expulsion from and re-election to the assembly, contained the following treasonable language and advice:—'Your triumphant election on the 16th, and ejection from the assembly on the 17th, must hasten that crisis which is fast approaching in the affairs of the Canadas, and which will terminate in independence and freedom from the baneful domination of the mother country, and the tyrannical conduct of a small and despicable faction in the colony. The proceedings between 1772 and 1782, in America, ought not to be forgotten, and to the honour of Americans, and for the interest of the civilized world, let their conduct and the result be ever in view.' And when it is remembered with what indignation and disgust the publication of this detestable communication was received throughout the province, his Majesty's loyal subjects cannot but regard with abhorrence the idea that the person who had thus insulted them should be supposed by their Sovereign and their fellow subjects in the United Kingdom to be their accredited agent—that they held any communication with him, or that he was in any way clothed with authority to speak their sentiments or represent their views, on any subject, public or private."—

This was the charge made against him. To repel it, it became necessary for him to read to the House the letter on which this charge was founded. It was addressed to W. L. M'Kenzie, Esq., M.P., York, Upper Canada, and was as follows:—

"Bryanston-square, March 29.

"My dear Sir—I lately received files of the *Vindicator* and *Reformer* journals, and am pleased to observe that the electors of the county of York continue firm and consistent in their support to you, and that you manifest the same determined spirit of opposition to abuse and misrule.

"The Government and the majority of the assembly appear to have lost the little portion of common sense and the prudence which society in general now possess, and they sacrifice the greatest of public principles in gratifying a paltry and mean revenge against you.

"Your triumphant election on the 16th, and ejection from the assembly on the 17th, must hasten that crisis which is fast approaching in the affairs of the Canadas, and which will terminate in independence and freedom from the baneful domination of the mother country, and the tyrannical conduct of a small and despicable faction in the colony.

"I regret to think that the proceedings of Mr. Stanley, which manifest as little knowledge of mankind as they prove his ignorance of the spirit and liberal feelings of the present generation, encourage your enemies to persevere in the course they have taken. But I confidently trust that the high-minded people of Canada will not, in these days, be overawed or cheated of their rights and liberties by such men. Your cause is their cause—your defeat would be their subjugation. Go on, therefore, I beseech you, and success — glorious success — must inevitably crown your joint efforts.

"Mr. Stanley must be taught that the follies and wickedness of Mr. Pitt's Government, in the commencement of the French revolution, cannot be repeated now, either at home or abroad, without results very different from that which then took place. The proceedings between 1772 and 1782 in America ought not to be forgotten, and to the honour of the Americans, and for the interest of the civilised world, let their conduct and the result be ever in view.

"I remain, yours sincerely,
"JOSEPH HUME.

"P.S. The people in lower Canada are taking the means of forcing their affairs on the Government, and will I hope succeed."

The House would see how different these sentiments were from those imputed to him in the report of the committee of the House of Assembly. Would any friend of liberty censure him for applauding the conduct of the United States of America in their successful struggle for independence? But for their glorious example, the cause of freedom would, at a later period, have been overwhelmed in Europe. Long might it flourish; and let that justice be done to Canada which would prevent the active defence of that cause from becoming a matter of duty. The lying report of the committee of the House of Assembly declared that his (Mr. Hume's) letter had been received with disgust and indignation throughout the province. He held in his hand resolutions which had been agreed to by the common council of the city of Toronto, which he will read to the House. [The hon. Gentleman here read the resolutions to which he had adverted. They bestowed the highest encomiums upon him for his sentiments and conduct with respect to Upper Canada, and spoke with reprobation of the unhappy policy which had so long been pursued towards that province by his Majesty's successive Governments, and especially by that government of which Mr. Stanley was the Colonial Secretary.] But that was not all; similar expressions of approbation of his conduct had proceeded from twenty counties and twenty towns of the province. [The hon. Member here read several of those documents, and especially one from the township of Caledon.] It might be asked, what had induced him to write the letter which he had written to Mr. M'Kenzie? His answer was, indignation at the conduct of the noble Lord opposite. When Lord Goderich was the Secretary of State for the Colonial Department, his Lordship had sent a dispatch to the Governor of Upper Canada, expressing a wish that the grievances complained of by the inhabitants of that province should be taken into consideration. When that dispatch was laid on the table of the House of Assembly, it was treated with marked disrespect and insult by the Attorney and Solicitor-General. The hon. Member proceeded to advert to a second dispatch of Lord Goderich, in which that noble Lord stated that he thought the Attorney and Solicitor-General were bound to act to the best of their views, but that if they differed from his Majesty's Government, it was obvious that they could not remain in office with advantage; and in order, therefore, that those gentlemen might be at liberty to follow the dictates of their own judgment, he (Lord Goderich) had his Majesty's commands, that on the receipt of the dispatch, they should be relieved from the duties of their respective offices. This dispatch was in reply to a communication that had been made to the Government at home. These gentlemen, then, were the firebrands; and when they came home, after being superseded, the noble Lord (Stanley), who was at that time, unfortunately, at the head of the Colonial Department, thought fit, in despite of and in the teeth of Lord Goderich's dispatch, to promote one of these Gentlemen to a judgeship in Newfoundland. What was the consequence? Why, that in the elections which took place some time after, such was the disgust of the people of Canada at the proceedings which had taken place, and at the conduct of the Government, that every one of the Reformers—of those men who associated themselves "with Mr. Hume, the firebrand"—were returned by large majorities by the people of Upper Canada, who approved of his letter and of his conduct. That letter was received with the warmest approbation by the official bodies; and when a vote of censure on him was proposed by the deputy grand master of the Orangemen in the colony, (to whom, by the by, he had since given a lift)—joined by all the Tories—that vote was lost. The ex-Attorney-General of the colony, who had been stated to be such a temperate man, in expressing his opinion upon the letter, had done so in terms which little accorded with the character which had been given him. The hon. Member here read an extract of a speech attributed to this Attorney-General, in which he denounced those who supported Mr. Hume's party, and declared that he spurned them; that they were his utter detestation; that they were recreants to their Sovereign. He now came to another charge. By a resolution of the House of Assembly, they had agreed to the appointment of a select Committee, on the petition of Mr. Duncombe, which he (Mr. Hume) had presented last year to the House of Commons, and the prayer of which he had been requested to support; and he was astonished that a Committee should have been found to tell such lies and falsehoods. It only remained for him, however, to say, that all the charges made in that report, so far as they were levelled against him, were wholly unfounded. He might, perhaps, read the resolutions which had been agreed to in respect to his letter, and indeed he had got the official documents; but he could state with confidence, that there was not one allegation in the document to which he had referred, in respect to the manner in which his letter had been received, that was true. The hon. Gentleman, in order to establish the fact that that letter had been well received, and that his own conduct had been approved of, proceeded to read, in a low tone, various extracts from private letters which he had received from parties whom he did not name. One of them dated 29th of June, 1834, commenced with the words, "I congratulate the colony on the removal of Mr. Stanley, from what I know of Mr. Rice and from what has passed." But he had been lamentably deceived in Mr. Rice. Never did any man deceive his expectations more than Mr. Rice had done. The right hon. Gentleman ought to be impeached. With regard to the resolutions propounded by the noble Lord the Secretary of State for the Home Department, he objected to them *in toto*. If that House were to pass resolutions which affected Canada, they must be so framed as to meet the wishes and wants of the great majority of the people of Canada, who for ten years had been suffering under admitted grievances. He had shown the House that they had petitioned in the years 1827, 1829, and 1834; they had appealed to the King in Council; and they had come to certain resolutions also in the year 1834. In all these instances they sought for nothing but to manage their affairs themselves, and to secure the advantages of good government; but the present administration stepped in to prevent this by insisting on retaining a Legislative Council. If they annulled the just rights of the Canadians they would commit a direct robbery upon them; and must expect that men thus used would not voluntarily submit to have all those privileges which they now enjoyed taken from them. If the House of Assembly did not vote the supplies of money, was the House of Commons to carry on the legislation of Canada. If that were intended, it would be better to repeal the constitution of Canada and with it the act of 1831. In conclusion, the hon. Member contended that he had made out a case which was not to be disputed, that there were grievances still existing with reference to the colony of Canada; that those abuses had not been removed; that the Canadians had rights as well as we had; and that it was now intended by resolutions of that House to deprive the Canadians of what they were by law entitled to. He should give every opposition to the resolutions, and he hoped the House would pause before it sanctioned them.

Mr. *William Gladstone* would not have been desirous to trespass on the attention of the House upon the present occasion had the case which his Majesty's Government had brought forward been such as to render it incumbent on any one who was connected with or took an interest in the Canadas, be his political opinions what they might, to render to the Government every support in his power. The case before them was not one which bound them as a party, and the question which they were called to decide that night was whether they would consent to the separation of Lower Canada from the empire. He was not one of those who were to be frightened out of an opinion by the vote which he might feel called upon to give, or to hesitate upon the alternative on which he would act when the separation of Lower Canada might follow from not adopting the resolutions which were proposed by his Majesty's Government. All colonies were to be regarded as the children of the parent country. He did not mean to say, that we ought to maintain the institutions of Canada for ever in the subordinate situation in which they now existed, but he thought it was a vain distinction to claim for the Houses of Legislature there a position which was analogous to that of the Legislature in this country, so long as they were in the situation of a colony. The hon. Member for Middlesex who was an economist of every thing except the public time, had chosen, after a disquisition on the affairs of Lower Canada, which was certainly not restricted within narrow limits, to superadd a disquisition of one hour's duration on the state of Upper Canada. The hon. Gentleman (Mr. Hume) had quoted the sentiments of the Members of the common council of Toronto as if they were to be taken as indicating the general feelings of the country. Let the House see with how much truth they could be regarded in that light. Were the gentlemen who recorded the opinions quoted by the hon. Member for Middlesex still members of the common council of Toronto? On the contrary, these gentlemen, as he understood—in no small degree on account of the vote they had passed in favour of the opinions expressed by the hon. Member for Middlesex in his letter—were shortly afterwards ejected from the common council, and were succeeded by gentlemen who, amongst their first acts, expunged from the records of their body that very resolution of their predecessors which the hon. Member for Middlesex had quoted with so much seeming triumph. So much, then, for the hon. Member in Upper Canada. It appeared that he had been fairly drummed out of that province, although the hon. Member seemed to think that he had still some ground to occupy in Lower Canada. The hon. Gentleman had talked much about the grievances of Lower Canada; but throughout the whole of his protracted speech he did not succeed in establishing one single case of real grievance. What were the grievances of Lower Canada? Was personal security invaded? Was property inadequately protected by the laws? Was religion oppressed? Was taxation heavy? Upon which of these several particulars, the usual grounds of grievance, had the people of Lower Canada reason to complain? The hon. Gentleman, who talked so much and so long about the grievances of the people of that province, alleged after all but one, and what did that amount to? It amounted to this, that whereas in the province of Lower Canada the scale of official salaries was with respect to many offices so extremely low, so totally inadequate to the maintenance of a proper officer, therefore a number of them had been joined together and placed in the hands of a single individual, and the Legislative Council, though repeatedly requested by the House of Assembly, had uniformly declined to disjoin the offices so united, and by that means to place each separate office in the hands of a class of society totally incompetent to the proper discharge of the duties that belonged to it. This was the sole grievance alleged. Did it constitute a sufficient reason to justify the House of Assembly in stopping the supplies? When he said that persons and property were secure in Lower Canada he ought to look, perhaps, to one contingency. Property and persons were secure in that province as far as the Government could make them so; but could the House of Commons look to that security as permanent when they knew that the judges of the land and all the other officers of the Provincial Government had had their salaries withheld from them for the last four or five years? If there were danger of convulsion in Lower Canada, it would not arise from taking the course which the Government invited them to adopt, but from suffering the present state of things in the province to continue. The hon. Member for Middlesex said that the House of Assembly would grant the supplies upon this condition, that the offices at present united should be disjoined and placed in the hands of separate individuals. Was that the fact? It was true that the House of Assembly proposed to grant the supplies for six months upon that condition, but would such a grant compensate these officers for four or five years' arrears? And did it not stand out as a fact that those arrears which had been incurred, and which the public and that House were pledged to pay, were refused to be defrayed by the provincial legislature of Lower Canada except upon the condition of the home Government consenting to an organic change in the Canadian constitution? Did the hon. Gentleman mean to deny that at that moment payment of the arrears was refused by the House of Assembly unless the home Government would consent to the establishment of an elective Council. Then the case stood thus—in a country where life and property were secure, where there was no oppressive law, where the franchise was wide and liberal, where the church of the majority was in possession of the church property, where there was no tangible grievance capable of being put into terms and brought before that House—in such a country the Imperial Legislature was called upon to grant an organic change in the constitution as the condition upon which, for the future, the supplies necessary to carry on the government of the province should be voted by the Provincial Legislature. Then the question that lay before them was one between the support of a government, the maintenance of tranquillity and order, on the one hand, and the acknowledgment of the absolutism of the popular will on the other. The hon. Member for Middlesex alluded to the composition of the Legislative Council, and complained that men had been placed upon it who were wholly unfit to discharge the duties which attached to the members of so important a branch of the Legislature. It was true that there had been one instance of misconduct on the part of a member of the Legislative Council, and he certainly thought that that constituted the last remaining grievance of the people of Lower Canada—a grievance, by the bye, which the home Government had taken means to prevent for the future. As far as the alleged undue preference of the English race was concerned, he begged the House to look for a moment at the fact. During the administration of the last two governors of Lower Canada there had, he believed, been eighteen appointments to the Legislative Council, and of those eighteen appointments ten had been given to persons of French origin, and the remaining eight to persons of English descent. It was true that ten did not bear that proportion to eight that the whole French population of the province did to the British; but it must be remembered that the French population did not comprise so great a proportion of the upper class—of persons fit to be appointed to so important a situation as that of a member of the Legislative Council—as the British. It could not be said, therefore, that any gross or glaring partiality had been exhibited in the appointments that of late years had been made to the Legislative Council. The hon. and learned Member for Bath read them a lecture the other night upon the extreme expediency of every one who advanced an opinion in that House telling all that he meant, and leaving nothing in reserve. He wished that the hon. and learned Gentleman had acted upon that principle himself. They were told that the conduct of the Legislative Council was the point upon which were concentrated all the grievances of Lower Canada. What was the fact? The Legislative Council had been the outwork and defence of the Government. In all its most essential acts it had been countenanced by the governor and Executive Council, who in their turn, had been borne out by the government at home, and the government at home had been borne out by the Imperial Parliament. Two Committees had been appointed by that House, the one in 1828, the other in 1834, in both of which the fullest investigation took place into the affairs of Lower Canada; and the result of the inquiry was in both instances to vindicate the conduct of the Government. The question, then, was not so much one between the House of Assembly and the Legislative Council in Lower Canada as between the hon. Gentleman the Member for Bath and the Imperial Parliament as to the policy that had been pursued towards the province. He was glad that the hon. and learned Gentleman agreed with him in placing the question upon that ground. But observe the consequence: the question would assume the aspect of a struggle between the colony and the British nation. He did not think the separation of the colonies from the mother country was at all times and under all circumstances to be regarded with apprehension; but no one, could look at the condition of Lower Canada at that moment and not perceive that it was surrounded by difficulties which would make a separation from the mother country anything but advantageous to itself. What was the situation of Lower Canada? It was divided between persons of two different races, who did in fact regard each other as "aliens in blood and language," and between whom there unfortunately existed a great deal of excitement and exasperation. The hon. and learned Gentleman, the Member for Bath, had spoken of a "howling herd of officials;" but could the hon. and learned Gentleman charge any one individual of the class whom he designated in such disparaging terms with a dishonourable act? Had they not been serving the public without any requital for the last five or six years? Did it, then, become the hon. and learned Gentleman, or did he consider it a part of his duty towards those whom he called his constituents, to insult men who had been placed, by no act of their own, in a situation of peculiar hardship and difficulty. It little became any man to employ such terms as those used by the hon. and learned Member for Bath, towards the officers of Lower Canada; but, least of all, did it become the hon. and learned Member for Bath, who, whilst those against whom he railed had been kept in a state of penury, had himself been in the due receipt of a liberal salary. What was the difference between the hon. and learned Member for Bath and the howling herd of Canadian officials. The only difference was this, that the hon. and learned Gentleman had received his salary, without the sanction of the law, whilst the officials, who held regularly-constituted offices under the sanction of the law, had received no salary for several years, although they had continued punctually and faithfully to discharge the duties attached to their situations. This was the difference between these Gentlemen and the hon. and learned Member for Bath, and it was upon the ground of that difference, he supposed, that they were to be liable to all the taunts and insults that the hon. and learned Gentleman might choose to throw out against them. Then it was said, that the British party in Lower Canada was composed of nothing more than a miserable monopolising minority of the population of that province. What was the fact? He held in his hand a copy of a petition presented to that House from Montreal in the year 1834, signed by 10,197 of this despicable minority. Did this bear out the representations made by the hon. and learned Member for Bath as to the nature of the conflict in Lower Canada? Did it show that the popular voice was all on one side, and that the British interest was supported only by a contemptible few? Far from it. It showed that there was a great division between the people themselves, a division accompanied with great exasperation and much excitement of feeling; and, showing this, it proved that of all times that could be chosen to discuss the question of the separation of Lower Canada from the mother country, the present was the very worst. The debates in that House, the speeches of the hon. Member for Bath and his coadjutors, the addresses even of the House of Assembly itself, did not indicate the whole of the feeling which was entertained upon this subject; the journals published in Lower Canada, however, showed the real character of the feelings, which he did not ascribe to the people of that country, but to the demagogues there. Let the House listen to the following extract from a Canadian newspaper, called the *Minerve*:—"It will be seen, according to this statement, that there exist here two parties of opposite interests and manners—the Canadians and the English. The first, because they are Frenchmen, have all the habits and character of such: they have inherited from their fathers a hatred to the English, who, in their turn, seeing in them children of France, detested them. These two parties cannot remain—they form a bad amalgamation of manners, habits, and religion, which, sooner or later must lead to a collision." The hon. Member also read an extract from a speech, pretty much to the same effect, delivered by Mr. Rodier, in the House of Assembly, in which the speaker bewailed over "his country as in ruin and mourning, presenting one vast cemetery, with the voice of thousands of his fellow-citizens issuing from their tomb, that British emigration was the cause of all their miseries." The mother country was represented as "ridding herself of her beggars and casting them in thousands on the shores of Canada." These, he feared, were not isolated instances, but too true specimens of the temper that prevailed amongst the leaders of what was called the popular party in Lower Canada. Was this, then, the fit period for them to enter into the discussion of the separation of the colony from the mother country. If it were not the fitting period for them to enter into the discussion of that question, then it followed that the only proper course left for them to pursue was to adopt the plan proposed by the Government. The question at issue was not as to the constitution and importance of the Legislative Council, but whether the policy pursued by this country towards her colony should or should not be continued. The hon. Member for Middlesex had talked of revolution and civil war. For his own part, he did not believe, that the people of Lower Canada, wished to throw themselves into the arms of the United States. What had been the conduct of the United States towards those communities that she had amalgamated with herself? Had she continued to them the same degree of nationality that had been preserved to Canada under the dominion of Great Britain. Would the inhabitants of Lower Canada mend their condition in reference to taxation by joining the United States? At present he believed the people of Lower Canada were free from the direct influence of taxation, and that the amount of revenue annually paid by them was infinitely less than that of any of the provinces joined with the United States. It had been contended in the course of the debate that the creation of the North American Land Company was one of the most serious grievances of which Lower Canada had to complain. Nothing surely could be more absurd. Here was a body of intelligent Englishmen who undertook to secure to Lower Canada the benefit of emigration, having by their skill, capital, and personal superintendence, succeeded in removing or neutralizing the dangers formerly attendant on emigration to that province, and who sent out their capital, and employed it on an extensive scale to improve the face of the country, and to facilitate the means of transit from one part of it to another. To say that such a body of men were a grievance to a country was ridiculous. Supposing Lower Canada to be joined with the United States, how would its wild lands then be disposed of. Unless the Government of the United States consented, in deference to the hon. and learned Member for Bath, to deviate from its fixed practice in the distribution and sale of wild lands, would the Canadian province have any reason to congratulate itself on exchanging the dominion of Great Britain for that of the United States. In 1831, when the noble Lord (Lord Howick), the Member for Northumberland, had charge of the Colonial department in that House, and brought forward the resolution upon which Lord Ripon's Act was founded, how did the hon.

Member for Middlesex act? He promised that if the Act passed, the Canadian civil list should be granted. The Act passed; but where was the civil list? Up to the year 1831 the attention of this country had not been sufficiently directed to its colonies, and in the Canadas many things had been allowed to grow up which required correction, and that correction was administered by the Act to which he had just referred. He therefore took the year 1831 as that upon which the course now proposed by the Government was to be justified. What was the language of the House of Assembly in 1831? On the 28th of January, in that year, the House of Assembly agreed to an address, expressing an earnest desire that harmony should exist between the different branches of the provincial Legislature, and that full effect should be given to the constitution of the province as established by law; and that address was signed by Mr. Papineau, as chairman of the Assembly. The question, then, that he wished to put to the hon. Gentlemen who supported the amendment was this: if there were no grievances in 1831 that induced the Assembly to demand a change in the constitution, what grievances had since arisen that could justify the House of Assembly in withholding the supplies, and making an organic change in the constitution the condition of granting them. He thought it was perfectly clear, from the language used by the hon. Member for Middlesex, with reference to the future conduct of the House of Assembly of Lower Canada (if, indeed, he was the responsible organ of that body as he was then supposed to have been) on the occasion of the passing of Lord Ripon's Act, that that body would have been satisfied to have proceeded in harmony with the government of that colony. Did the hon. Gentleman believe that that Act would have been passed unless upon the perfect conviction that the House of Assembly would have granted the supplies? The Government, in passing that Act, were entirely deceived in their expectations, expectations that were reasonable and just. If, then, there was no practical grievance affecting the people of Lower Canada, which justified (and he admitted that real grievances might justify) a demand even for organic change, then what, he would ask was the ground for stopping the supplies, and what the ground for demanding this organic change? Was there to be any Government in lower Canada — were there to be courts of justice—was there to be a police? Was there to be any protection for property—any safety or security for persons? If there were, then there must be a Government; and if a Government, it must be administered by persons; and if administered by persons; he apprehended that those persons must be paid. Did that House feel itself in a condition to refuse to those "howling officials" those salaries, for the want of which, indeed, they might be almost made to howl; and for the want of which they were reduced to a state of the greatest difficulty and embarrassment? If the House refused them their salaries, what alternative was there but to dissolve the Government of Lower Canada? They could not allow those persons to go on administering the duties of Government, which they were only pledged to perform on receiving remuneration. They could not allow men of honour to discharge those duties without providing that remuneration which had been withheld from them by the House of Assembly. Unless that House was ready to adopt an organic change in the constitution of Lower Canada, with the perfect knowledge and conviction that that organic change would only be the first of a series of changes—for the change now demanded was not final in its character—and unless they were resolved to enter upon a boundless course of unreasonable concession, they must adopt the course which was proposed by his Majesty's Ministers. He felt all the pain which his Majesty's Ministers must experience in proposing such a course to the House. A course undoubtedly coercive in its nature and intended to set aside for a time the privileges and principles of the constitution. He fully agreed that nothing but the very last necessity could justify such a line of policy. But he agreed also with his Majesty's Government in thinking that a case of urgent necessity had arisen. He thought that experiments had been tried to the uttermost, patience was exhausted; and the question now was, whether the Parliament of this country would consent to stand disgraced and dishonoured, not only before the people of Lower Canada, but before the whole world; or whether by interposition, arising out of the necessity of the case, and limited strictly by that necessity, it would relieve the honest and faithful servants of the Crown from the difficulties and calamities they now endured, and the Government itself from the moral degradation into which it would fall, were the present state of things suffered to continue? He regretted the precise terms in which the fourth resolution was framed. He thought the resolution went beyond the necessity of the case. The principle he would venture to lay down was, that where it was their object to manifest the opinion of the Imperial Parliament in one particular case only which was at issue, it was desirable not to pledge the Parliament or the Government to any thing beyond that case. By acting otherwise they narrowed too much the ground on which they had to proceed. He thought it would tend greatly to prevent any disagreement, and would produce a very strong and general, and all but unanimous, expression of opinion on this occasion if the hon. Gentleman, the Under-Secretary of the Colonies, would devise some other mode of framing the fourth resolution, so as to obviate the objection to which it was now liable. In that case he should give his most unqualified support to the propositions of his Majesty's Ministers.

Mr. *Labouchere* came down to the House prepared to give a reluctant and silent, but he must add, a decided vote in favour of the resolutions proposed to the House by the noble Lord, the Secretary for the Home Department. But some things had occurred in the course of the discussion which had made him desirous of stating, in a few words, the grounds upon which that vote would be given. It had fallen to his lot, since he had had the honour of a seat in Parliament, to call upon the House for the expression of its opinion, and even to adopt resolutions relating to the colony, the affairs of which were this night under discussion. His object had been to retain these colonies to the mother country, by every means in our power, as long as we could; but, above all, that to the last hour during which that connexion lasted we should act towards these colonies liberally and justly, so that whenever the moment of separation might come, were it sooner or were it later, we should be able, in the face of the world and of posterity, to have a good case, and not to stand before either convicted of having, as far as we were concerned, neglected the duty of a mother country towards her colonies. In consonance with this opinion he had frequently had to urge upon the House what appeared to him the real and well-founded grievances inflicted upon the colonies of Lower and Upper Canada, sometimes by the mistaken views of the mother country, more often by the acts of the Colonial-office, through the management and conduct of the governors in those colonies towards the people. He had often had to express opinions extremely contrary to the Government of the day with regard to the policy pursued in the Canadas. He had always so strongly felt the truth of the position that a country such as Canada could only be governed rationally, and that it was only possible to retain it as a British possession, in any way that could be useful to either party, by carrying with us the reason and the affections of the people of that country, that he for one always thought it was our interest and our duty, as much as possible, to leave to them the direction of their own concerns, and to interfere as little as possible with them. But he must say, that there was one limit, and one limit only, that he could conceive to that general rule. As long as the colony of Lower Canada remained part of the British empire he would not consent to anything that would tend to the degradation of the British Crown. He would not consent to abandon that high privilege and duty of Parliament to see that no act of injustice or oppression was committed in any part of the British dominions, wherever they might be. He thought that things were approaching to that situation in Canada, that unless the British House of Commons interfered there might be danger that some such event might take place there. During the discussion it had been admitted on all sides that some interference on the part of the Imperial Parliament was necessary; that things had come in Lower Canada to what might be termed (if ever the term could be properly applied to any people) a complete "stand-still;" and that it was absolutely necessary to interfere, and to move in some direction or other. The question was, in what direction ought they to move? Hon. Gentlemen had spoken, he thought, rather too lightly of the evils consequent upon the stoppage of supplies in a country for nearly four years and a half. Was it possible to read without the deepest concern the report of the state of Lower Canada, which was described as being upon the verge of a dissolution of all society? He was sorry to have heard the hon. Member for Bath, who, however much they might differ in their political opinions, he admitted generally took a large and philosophical view of all subjects of which he treated—he was sorry and very much surprised to hear that hon. Gentleman talk about the judges being deprived of their salaries in that colony as a mere pinching of their bellies, and of the privations of official men as a mere insignificant state of things. In any country, and especially in a colony, such a state of things could not happen without the executive government being brought into utter contempt. It was not a state of things which this House or the country could stand by and behold exist within the British dominions: therefore he could not assent to it. But they were told that these things had happened because certain demands of the House of Assembly had not been granted. One demand was, that the Legislative Council should be made elective. On this subject, speaking for himself only, he should declare his opinion frankly. He was quite of opinion with Mr. Fox that it was most unfortunate that when the constitution of the Canadas was established that the Legislative Council was not made elective. He firmly believed that many evils had arisen in consequence of that course not having been followed. There were two Councils in Lower Canada, constituted on widely different principles. The popular party entrenched themselves in the one; and what he for shortness only would call the British party, or the minority entrenched themselves in the other. What had been the consequences? These two Councils had always been in a state of violent opposition. He thought it was not possible to find a better recipe to perpetuate those dissensions than the constitution of Lower Canada. What would have been the result if an elective Council had been established in 1791? After some strugglings, quarrellings, and conflicts, the people would have mutually made concessions; and we should have seen the French and the English living on terms of friendship and cordial intercourse without respect to religion or descent. Let them look at Louisiana. They would see there a state of things very analogous to that of Lower Canada. There was a very large population of French descent, and a small Anglo population. How were they treated? Whether of English or French descent, they were under the protection of equal law. No one was asked whence he came, or what was his descent; and though there was a great deal of local separation between the two races, yet politically they lived very well together, and there was no state in the union where things went on more harmoniously than that of Louisiana. He was, therefore, upon abstract grounds not opposed to an elective Legislative Council in Lower Canada. How any hon. Gentleman could contend that it was against the British constitution, and of our colonial system that there should be an elective Council in Canada—how any Gentleman who had ever read the history of our colonies could maintain this proposition, in the teeth of the fact that in America more than one-half of our colonies actually were governed by elective Legislative Councils, he could not conceive. Our colonial system had always gone upon this principle—to give to any colony a proper constitution, withou troubling ourselves about any close analogy with the constitution which might be perfectly good for ourselves at home, but not at all applicable to a colonial society where there were no materials for an aristocracy, out of which might be made an aristocratic branch of the Legislature. Admiring as he did the great statesmanlike views of Mr. Fox in many things, he never admired him more than when, in 1791, he saw, with prophetic sagacity, the result of giving to Canada a Legislative Council upon an aristocratic principle. He warned the House of that day, and said, "If you don't take care, you will have a Legislative Council which will not be the object of reverence, respect, and affection of the people, but an object of their hatred and contempt." What was Mr. Pitt's argument? His only reply to Mr. Fox was—"I will not answer you; the whole thing is only an experiment." He said this not so much for the sake of the effect it would produce in this country as the effect it might produce in Canada, where he was anxious it should not be supposed that we were influenced by apprehensions of the danger of an elective Council, when we were acting upon a measure of this important nature. He thought it was quite clear that two of the Commissioners, Lord Gosford and Sir Charles Grey, conceived that it was very unfortunate the principle of an elective Council was not originally introduced into the constitution of Lower

Canada, and that they thought it would be a material improvement to introduce that principle into the Legislative Council under some modification or other. On this point he entirely agreed with those Commissioners. He would not lay it down that the elective principle ought to be universally adopted, but he would say, that neither from reason nor precedent could he discover any good argument against such an institution. Having admitted this principle, the question before him was narrowed to this point—whether he was prepared to take the alternative offered him both by the House of Assembly of Lower Canada and the hon. Member for Bridgewater, and instead of voting for the resolutions of the noble Lord, express it to be his opinion that the Legislative Council of Lower Canada should be immediately made elective. But this was not the only proposition he was called upon to affirm; there were others, some of which appeared to be so unconstitutional, and others so fraught with injustice to individuals, that he never could give his consent to them. [Mr. *Roebuck*: What are they?] He would tell the hon. Member at once what they were. The first was that which referred to the Executive Council being made responsible to the House of Assembly. He really could hardly conceive a public body of the respectability of that House of Assembly making any such claim. It was incompatible with any relation between a colony and the mother country. The next was with regard to the repeal of the Quebec Tenures Act. He thought that would be a work of positive and gross injustice; it would be an act of spoliation. Having made up his mind that it was the duty of Parliament to interfere in order to put an end to the present state of distraction in Lower Canada, and enable the machinery which was now standing still to move at all, he then conceived that it was the duty of Government to propose only such a measure to Parliament as should be as little beyond the ordinary course of the constitution as possible, in order to produce that effect, and he did apprehend that the resolutions proposed by the noble Lord were exactly the policy which ought to be followed. The effect of those resolutions would be to put an end to that most unseemly spectacle—that of public officers not having received any salaries for several years. He should however, have felt it extremely difficult to vote for that resolution, which refused for the present to consider the question of an elective Legislative Council, if to that had not been appended another, which pledged the House and the Government to take effectual steps for rendering the composition of the Legislative Council of Lower Canada more fitting to perform the functions than it was at present. He remembered his noble Friend, formerly Secretary for the Colonies (Lord Stanley) denounced the Legislative Council, and said that it was a mere screen to the Government. He did not mean to say that the composition of that Council had not been improved since, but they had the testimony of the Commissioners in the strongest way to show that though it was in some degree improved, yet in all essential points it remained pretty near the same that it was formerly. It would be most unfortunate that it should go out to Canada that this House at all felt indisposed to look seriously into what was held by the people of Lower Canada and their representatives to be their greatest point of complaint—namely, an elective Legislative Council. He heartily rejoiced that the Government, by these resolutions, pledged themselves to look seriously into that point, with a view to render it more effectual for the purposes for which it was intended. He was more anxious to say this, because the hon. Gentleman opposite (Mr. Gladstone) had argued the case for the Legislative Council, and against the House of Assembly, as if the House were going to give a vote this night as for the one and against the other. His vote would be nothing of the kind; for the Commissioners stated in their Report, that while the Legislative Council professed the greatest desire to do their duty, yet they actually obstructed passing into law various measures passed by the House of Assembly for the establishment of local governments in all parts of the Colony. With this before the House, it was impossible to say that the faults were all on one side. He knew very well that the resolutions of that House would not b received with favour by either of the extreme parties to the contest going on in Lower Canada, but there was a great and important middle party, composed of men who at all times had struggled against extremes of every kind; men to whom this country must look, in the long run, for what ver hold we might have on the people of Lower Canada—men extremely adverse to the conduct of the House of Assembly, but at the same time deeply attached to the liberties of their country, and sincere advocates for the removal of every abuse in its constitution and laws. He should be extremely sorry if the resolutions of that House should produce an impression on such men that the House of Commons only meant to get out of its present difficulty by taking the public money, and appropriating it without the consent of the House of Assembly; but that while doing this under the pressure of an urgent necessity, we were not disposed to look into everything acknowledged as a grievance, and particularly into the question of the Legislative Council, with a view to amend its composition in such a manner that it might deserve and obtain the confidence and attachment of the people of that country. He would not trouble the House with any further observations; but he had felt himself called upon to justify the part he had taken on former occasions, and also to state the grounds on which he should give his vote.

Lord *Stanley* trusted before he proceeded to the subject matter of discussion, that he might be permitted to take notice of one circumstance, which, although in this country it would produce no effect, might be misunderstood, and probably, from what had taken place, was calculated to be misunderstood, in the colonies; namely, that that House of Commons was indifferent to the welfare of that country the affairs of which they were then discussing, and with which they were connected by so many ties; and that, in short, that House regarded with indifference all colonial discussions. He alluded to a subject which probably few hon. Members then present were acquainted with; he meant, that at the fatal hour of half-past seven an attempt was made to count out the House. What did hon. Members mean by cheering? Was not the gallery cleared? Was not the House counted?—thanks to the hon. and learned Member for Bath—and were there not sufficient Members present to constitute a House? And why was this done? Was it not to show how small a number of Members were present at the discussion on the affairs of Canada? But he begged to remind hon. Members of the state of the House the night before last on this subject for in his life he had never seen on the discussion of a subject of British and domestic policy, a more full attendance of Members and a more anxious and attentive House. But patience had its limits. He was one of the Members who had been present nearly all the evening. He came down to the House at a quarter before five; on his road he met shoals of Members coming away; and on asking was the House up, the answer was "no, but Hume is." This was at a quarter to five. The House was counted at a quarter to seven, and the hon. Member for Middlesex was not only then speaking, but he had not finished his speech at a quarter to eight. Was the hon Member speaking to the subject or not? Let those who sat and listened to him for three mortal hours state what was the case, or let other hon. Members read the reports; of which, however, they must be deprived, unless the Chancellor of the Exchequer was pleased to make some special relaxation as to his superficial rule as regarded newspapers. Hon. Members, however, might become acquainted with this fact by means less irksome to themselves than by reading the hon. Member's speech, for he did not wish to inflict such a punishment on them. The greater part of the hon. Member's speech referred to a question not before the House or connected with the subject matter of debate. The subject matter on which the hon. Gentleman addressed the House at such length was a quarrel concerning a correspondence that had taken place between Mr. M'Kenzie of Upper Canada and Mr. Hume of Middlesex; letters were read of the date of March the 10th and other periods, from Bryanston-square, and others in reply from Toronto. The House were then told that in the debate in the House of Assembly in Upper Canada, the question was set aside by thirteen to seven against Mr. Hume, and they had given to them the names of the mover and seconder, and the only wonder was, that they had not the speeches read to them at length. The hon. Member had afterwards proceeded to make various desultory observations on Mr. Haggerston, and this occupied the greater portion of the time during which he addressed the House. For his own part, he believed that no greater punishment could be inflicted on any of the unfortunate delinquents complained of at such length by the hon. Member, than compelling them to read the hon. Gentleman's speech. He would not notice the attacks the hon.

Member was pleased to make on himself; but he wished to notice that for two hours and a half of the time of a most important and interesting discussion on the affairs of Canada the hon. Member chose to indulge in matters having no relation to the question, but rather relating to himself personally. When, therefore, the hon. Member complained of the thinness of attendance and the want of attention during his speech, he should consider that it was not that the House of Commons regarded Canada less, but that they deprecated Hume more. He wished now to return to the question immediately at issue. He felt that it was a subject of unparalleled difficulty and danger. He wished to look at the principles on which the question turned, and which had been stated by an hon. and learned Member, to whose ability and straightforward argument on a previous night he would do justice, and which contrasted strongly with the course pursued by the hon. Member to whom he had before alluded. That hon. and learned Gentleman fought the question boldly, and most ably and eloquently, but at the same time most ingeniously put forward his views on the subject, and he would meet the question in the same bold straightforward manner as it had been put by him. He agreed with the hon. and learned Member for Bath that that was no time for indecision or passive conduct—that was a time when the Legislature and Government must frankly concede, or boldly deny. They must openly assert the principles on which they meant to act, for this was a question which admitted of no tampering. They must be prepared to face the subject boldly. If he felt any difficulty as to the vote he should give, it was not as to the side of the House which he should take when they were called upon to come to a decision, but he felt more deeply than he had ever done before how much his vote might be misinterpreted. Fearing, therefore, to give his sanction to a course so indecisive and doubtful as that proposed by his Majesty's Government, he felt bound to speak his sentiments openly and candidly. Whatever objections he might have to the wording of the resolutions, whatever part he might feel called upon to take on this subject in that House, he felt that, above all things, it was most important that the decision of the House of Commons should go forth to Canada, not as the determination of a small majority, whose opinions were likely to be misunderstood, but one which should carry with it the full weight and the authority of that House; which, to use words he found in the report on the table—and he read them with astonishment and regret—the Commissioners declared was the only authority in the country to which the Canadians—the French party—looked up with respect. Whatever determination they came to, let it go forth as the strong and unanimous decision of the House on the question. He affirmed—and he did so in the broadest and most open manner that it could be given—that, in the present state of Canada, the House could not and dared not yield to the demands of the Canadians. The hon. and learned Member for Bath had referred to the Acts of 1774 and 1778, which were passed during the early period of our colonial government there, and which they had been told had been violated. He asked what were the specific grounds of complaint as regarded these Acts which had been put forward by the House of Assembly of Lower Canada? He asked what were the demands made, and what would be the consequences of concession to the colony as well as to this country? They were told that the Government and that House wished to trample on the liberties of Canada, and that by denying the demands made by the Assembly of Lower Canada they would violate the liberties of a free and independent people. Did hon. Gentlemen opposite place such a construction on the proceedings? He was sure that it was an accidental expression that fell from the noble Secretary for the Colonies to call the Canadians an independent people. A free people they undoubtedly were, but an independent people they were not. In this laid all the fallacy of the argument that had been used on the other side. He repeated, independent they could not be called, with a legislature subordinate to a certain extent to the legislature of this country. But let the House look to the demands made on the mother country. There were three chief demands. Two of these were for rights and privileges which the mother country did not possess herself; and the third was one, which, if conceded, would render impossible any further connexion with the mother country. Let the House examine them, scanning them in all their bearings, and taking a general view of them. But what were the demands of the Canadians? He would take them *seriatim;* and he would ask the House of Commons whether the House of Assembly of Lower Canada did not demand privileges and powers which that House had never arrogated to itself. The first of these demands to which he wished to call the attention of the House was, that the two branches of the Legislature should be elective. Was this a power which was demanded or desired by this country? Was this demand for Canada meant as a precedent to lead to the same result in this country? So far from a right of this kind being in union with the British Constitution, it was directly at variance with it, and such a right was not possessed by any portion of the people. Certainly it was demanded by a small and contemptible fraction of the British population, but he trusted in God it would never be conceded in this country, for he knew if it were that it would lead to the subversion of the Constitution. What was the second demand? It was for a power which the House of Commons did not possess; it was a demand which no House of Commons or Government would allow, and which, if allowed, no Government could sit on those benches for three weeks. The demand was, that the House of Assembly should vote every item of expenditure from first to last. [*Hear, hear*] Hon. Gentlemen said " hear, hear"; but he asked, was the Crown in no respect independent of that House? Did the hon. Member for Middlesex mean to tell him that the Crown had no hereditary revenue. The hon. Member for Middlesex had sat long in that House, but he had sat to very little purpose indeed if he was ignorant of the fact that at the commencement of every reign the sovereign waves the possession of a right which passes indefeasibly to his successor—namely to those possessions which the Sovereign holds independent of Parliament, and the income of which he yields up on Parliament giving him a fixed civil list for the time of cession; and when the civil list ceases, the hereditary possessions of the Crown revert to the Sovereign. Was not this the law of Parliament as well as the uniform practice? Was it not also Parliamentary law, that certain salaries were paid, by a permanent arrangement, out of the Consolidated Fund, instead of the judges and others being called upon year after year to squabble on questions of a halfpenny about their salaries with the hon. Member for Middlesex? Was not this the case with respect to the payments made for the administration of justice and the salaries of the civil officers of state? This was absolutely necessary for the maintenance of government; for they could not go on if they had in every case to depend on the votes of a fluctuating body. If, therefore, it was found absolutely necessary that a permanent provision should be made for the judges in this country, the necessity was not less in a colonial assembly, which was divided into small parties, and above all in one like Canada, where all the violence and virulence of religious animosity was added to the local subjects of dissension. It was absolutely necessary, in conformity with the British Constitution, that there should be some permanent source of revenue for the objects he had mentioned, independent of the vote of the House of Assembly. Surely they were not prepared to grant that for Canada which had never been demanded much less conceded in this country. This was the second branch of the subject. He did not wish to go at unnecessary length into details; he feared on the one hand to be tedious, but on the other hand, when conflicting doctrines as to the rights of a people were put forth *ad captandum*, it was necessary that the House of Commons should know what was the real case, and also the whole of the case. The hon. Member for Bath said that the House of Assembly of Lower Canada had control over the revenues of that country. Nobody denied the general principle. The territorial revenues of the Crown, however, formed an exception, and there was also another exception to which he should more particularly advert in a few minutes. The total revenue of Lower Canada was 150,000*l.* a year. Not one farthing of this was withheld from the control of the House of Assembly—there was not one shilling of it expended which they did not direct—there was no act of expenditure which they did not know of. Let the hon. and learned Member for Bath deny the correctness of this statement if he could; and he should be obliged to the hon. Member to correct him if he made an erroneous statement. He stated facts, and he begged the House to consider the very different inferences he drew from those drawn by the hon. and learned Gentleman in the very eloquent and ingenious speech which he addressed to the House. There were certain revenues in Lower Canada over which, from the foundation of the colony, the House of Assembly had no control—he meant casual and territorial revenues, analogous to the land revenue of the Crown in England. These revenues arose from certain payments as seignorial right in Lower Canada, from the sale of timber on waste land, and from a right which he had never heard disputed, namely, to dispose of the waste and unappropriated land of the country. There was also another point at issue, namely, as to the right to the duties which were imposed by the Act of 1772. The hon. Gentleman referred to the Act of 1774, and to the Act of 1778, to prove the right of the House of Assembly to deal with these duties. The hon. and learned Gentleman, when it suited his purpose, referred to the Act of 1792, but he did not on this point; and the reason was perfectly obvious: that Act stated that Parliament would not impose duties or taxes to be paid in Canada without the assent of the Legislative Houses in Canada. Until within these few years nothing had been said on this subject, but he begged the House to recollect what had taken place in 1831. In that year his noble Friend, who was then Colonial Secretary and upon whom the hon. Member for Middlesex had passed such panegyrics at the expense of other Colonial Secretaries, had endeavoured to satisfy the Colonial Assembly on this point. He offered that, saving and except the casual and territorial revenues of the Crown, the whole of the taxes levied in Canada should be given up to the control of the House of Assembly in the provinces, on condition that the governor and high officers of state, the judges, and the officers necessary for the administration of justice, should be secured from the capricious control of the House, by having their salaries secured to them at the commencement of each reign, for the life of the king. The condition was thankfully accepted on the part of the Canadians. He recollected that the hon. Member for Middlesex, in the House of Commons, as representing the Canadians, said that they would accept the offer frankly and gratefully. In consequence of this, his noble Friend, the then Secretary for the Colonies said, that as the offer had been accepted by the people of the two Canadas, it would not be right to show any want of confidence. In the excess of confidence, then, of his noble Friend, he passed an Act, to carry into effect the offer he had made. What followed? Upper Canada gratefully accepted the concession, and passed the civil list. Lower Canada, however, refused. And these were the men who charged the Government with a violation of their constitutional rights—with violating the freedom of their constitution, in imposing on them taxes, the right to dispose of which rested solely with themselves, rights which they never had till they received them from the ministers in 1831—received them on terms which they had since most disgracefully departed from. So much for the two first points, as to an elective Legislative Council, and the financial question; next, a few observations on the subject of the Executive Council. This body were to act as advisers of the Governor on affairs of state, when required so to do, something after the manner of our Privy Council. Here the demand was, that the Executive Council should be rendered directly responsible to the House of Assembly. Here again was confounded altogether the wide and manifest distinction between an independent and a subordinate state; the King was subordinate to no one; the King's ministers were responsible for him to the country; but what was the position of the governor of this colony? He was responsible to the Crown here, to the ministry here; he acted under the orders of the ministry, and for his acts were the ministry responsible to the Legislature. To impose on him, then, a double responsibility—a responsibility to the Government at home if he did not obey their instructions, and a responsibility to the House of Assembly, if he acted contrary to their orders—would be to constitute two independent Legislatures interfering with and counteracting each other; yet this was the position in which it was desired to place the affairs of Canada. He perfectly agreed with the hon. and learned Member for Bath, that this was no subject for half and half measures, no question of expediency, but a question of empire—a question whether or no this colony was to be held, or was to be given up. On this issue was the question to be tried. If it were proposed to give the colony up, let that proposition be openly and plainly stated, and let the decision be frankly come to upon it. If the colony was to be retained, let not the idea be for a moment entertained of permitting that to be done which would at once render all control on our part over the province utterly nugatory, and even the imagination of it perfectly ludicrous—which would plunge us into difficulties which could only be met by violence. A middle course, so far from disarming enmity, and softening down the claims of the Lower Canadians, would but the more provoke them. The House must declare itself prepared either to resist the demands of the House of Assembly, or to accede to them. What said the hon. and learned Member for Bath as to the propositions before the Committee? That hon. and learned Member declared with great frankness and manliness, and the hon. and learned Member's opinion was entitled to very great weight in the Committee, appearing as he specifically did as the retained, the salaried advocate —and he (Lord Stanley) used the term with no offensive intention—the salaried advocate of the dominant majority of Lower Canada, whose duty as such, was fully to ascertain what were the passions and prejudices of that majority—what did that hon. and learned Member say? He declared the step proposed to be taken to be unjust, impolitic, and inadequate. He also considered the resolutions—he would not say unjust, but impolitic—impolitic, because inadequate: for while they amounted to as great a violation as was in their power, of those constitutional rights which they so loudly invoked, and expressed so great a reluctance to tamper with, all they proposed to do for those who had been suffering for four or five years in penury and indigence, the result of ministerial indecision, was to give these injured parties the paltry arrears of their salary, leaving them exposed for the future to the certainty—as the hon. Member for Bath candidly admitted—of precisely the same or more bitter sufferings and privations, and to the increased hostility of their present persecutors—and all this because Ministers could not make up their minds to say yes or no. The hon. Member for Middlesex had done him the honour of saying that he had been, in the year 1834, the source of all the inconveniences and distresses of the colony, although it was notorious that the stoppage of the supplies commenced just eighteen months before he accepted the colonial office. It was rather singular, that in the very correct and detailed account which the hon. and learned Member for Bath had gone into, of all the proceedings which had taken place, he had never for a single moment adverted to the fact, that in 1834, at the time when he (Lord Stanley) filled the office of Colonial Secretary, a Committee was appointed by the House, which minutely, patiently, and carefully investigated every grievance alleged by the agents of the Canadian population, of which Committee the hon. and learned Member himself was a member. At the conclusion of the inquiries of that Committee, at the instance of the right hon. Gentleman who succeeded him in the Colonial Department, he had abstained from asking that the evidence taken before the Committee should at that time be printed, or that any report should be drawn up on the subject. If, however, Parliament proposed to enter into this colonial question, it was most desirable that the evidence taken before that Committee should be printed and laid before the House. [The *Chancellor of the Exchequer:* It is intended to print the evidence.] He was rejoiced to hear that such was the case, as it was most essential that the whole question should be before the House and the public. At the period of which he spoke, he had taken upon himself, not merely on his own peculiar responsibility as Colonial Secretary, but with the full approbation of Earl Grey's cabinet, to bring in a measure on the subject. To that cabinet belonged both the noble Lord, now Secretary for the Home Department, and the noble Secretary for the Colonies, and by that cabinet, the whole circumstances of the case, and of the measure founded on those circumstances, were carefully examined, and it was unanimously agreed, that affairs had arrived at such a crisis, as to make any further tampering with the subject highly dangerous, and that steps must be immediately taken for suspending the operations of the Act 1 William 4th, chap. 20. What had been the course since, and what was the result? He would not trouble the House with many details, but he would call their attention to what Lord Gosford had said on the subject on the 12th March, 1836:—

"We are far advanced in the fourth year since there has been any appropriation of provincial funds to the use of government; and although a sum, temporarily contributed from the British Treasury, has relieved the civil officers so far as to give them one year's salary during that period, the third year is passing away, during which they have not had the smallest fraction of their earnings in the service of the public. The distress and embarrassment which this state of circumstances has inflicted on the functionaries of the province, may be easily conceived. Many are living on money borrowed at an exorbitant interest; some cannot but be reduced to the verge of ruin: and to show that this suffering of individuals is not unattended with danger to the general welfare, it may be enough to remark, without painfully dwelling on private circumstances, that the judges of the country are amongst those who are left, to provide for their subsistence as best they may, after three years' stoppage of their official incomes."

This letter from Lord Gosford was received by Lord Glenelg some time in June, 1836, and an answer was sent in the same month; and what was the answer to this tale of distress and ruin? Why, the answer was, that "his Majesty's ministers were quite confident there must be some mistake"; and Lord Glenelg further communicated to the Chief Commissioner, that "conscious that measures had been adopted with an earnest solicitude for the welfare of all classes of Canadian subjects, his Majesty waits with tranquillity the result of this long and painful struggle." It was possible that Lord Glenelg might await the result with great tranquillity, but he was sure that no other colonial minister in the world could do so. In the same communication Lord Gosford was desired to ascertain from the House of Assembly, whether there was not a mistake in the matter. Lord Gosford put the question, and was told in so many words, that there was "no mistake" in this case at all events; and the House of Assembly intimated, that they thought they had expressed themselves in terms which it was impossible to misunderstand. Such was the position of Canadian affairs; such were the perilous circumstances under which Ministers came down to the House with their resolutions, talking about their extreme reluctance to take any unconstitutional steps, their desire to limit themselves within the narrowest bounds which the exigencies of the case required, showing their teeth, but not daring to bite. But he would put it to the House, what were these inadequate, these insignificant proceedings — these "waitings a little longer," but a premium for continued and enlarged demands on the part of the Assembly? He would not follow up the parallel which had been instituted between this question and that of Ireland; but he would just call to the recollection of Ministers, a sentiment in reference to Ireland, uttered by a noble Friend of his not then in his place, and much cheered on the opposite side, to the effect that "if the majority of the people demand a change, that change must be conceded; and if it be not deemed sufficient, further concessions must be made." Now, let the House reflect that this sentiment would be treasured up and applied to their own case by the people of Lower Canada; that moreover they would read the speech of the noble Secretary at War, and still more the speech of the right hon. Member for Taunton—a man universally known, loved, and looked up to—whose opinion would carry with it great weight, and who had declared that he considered an elective Legislative Council a most desirable thing. What would be the inference naturally drawn from the various sentiments uttered by these and other Members of the House? Why, that after a little coy, reluctant, amorous delay, the ministry would yield itself to the vigorous pursuit of the hon. and learned Member for Bath. What would be the consequence of an Elective Council? He much rejoiced to see in his place on this occasion his right hon. Friend the Member for Coventry (Mr. E. Ellice). No man had a greater knowledge, from long experience of the affairs of this province, than the right hon. Gentleman; and no one could give a sounder opinion as to what would be the effect of the proposed measure on the province. He therefore trusted the right hon. Member would favour the House and the public with his candid opinion as to the adequacy, the wisdom, and the efficiency of the noble Lord's proposition. The great body of British settlers in Lower Canada, who went out on the faith of finding there a copy of their free national institutions, of enjoying their national rights and national laws, were as opposed as the inhabitants of Upper Canada were to any of the innovations of French republicanism. The hon. and learned Member for Bath told them the other night that the people of this country still retained their dull, stupid, bigotted, ignorant horror of French republicanism. He rejoiced in the belief that the hon. and learned Member was perfectly correct in his supposition; and however dull, stupid, bigotted, and ignorant the hon. Member might think him for saying so, he could assure the hon. and learned Member that he shared the feeling. He could never hear without horror the combination of these two words "French republicanism." The concession of an elective Legislative Council would remove the only check to the tyrannical power of the dominant majority,—a majority, he would remark, in numbers only, for in wealth, in education, in enterprise, it was greatly inferior to the minority of 150,000 settlers of British descent. One thing was certain, that if those British settlers found themselves deprived of the protection of the Government here they would protect themselves. The hon. and learned Member for Bath threatened that if we did not admit these demands we should be hooted from the shores of America, and that he himself would set on foot a system of seditious practices and seditious publications on the American frontier. Against such a movement as this the present resolutions presented no remedy. He would venture to say that in six months after the institution of an elective Legislative Council the British population of Lower Canada would have determined that, the protection of the mother country being withdrawn from them, they must take measures for protecting themselves. True they were a numerical minority; but, to increase their strength, they would call in aid from the great body of their compatriots in the upper province, in Nova Scotia, in New Brunswick, and, if need were, the great British family in the United States; everything in their power would be done to rescue themselves from the possibility of succumbing to French republicans. The hon. and learned Member stated, that this was not a question between races; but what said the Commissioners? Did they look at the question in the same light? The Commissioners expressly stated, "the great majority of the people of direct British descent, while they are firmly united in opposition to an elective Council, are nearly as unconnected with the holders of office as are the body of French Canadians; and the office-holders themselves, beyond the sphere of their own immediate duties, are little remarkable for anything but the exemplary patience with which they have borne the severe sufferings inflicted on them by the Assembly. We do not know where any persons are to be found of British descent who enjoy any influence in society, and at the same time wish for an elective Council; whilst of the higher class of French Canadians there are several who have no desire for it. And if we look to the poorer classes of the community, we shall find that the feeling is equally intense, to say the least, in the British population, against the proposed change, as it is amongst the French Canadians in favour of it." What said the Commissioners further on this subject? They looked to the consequences of an elective Council, and proceeded to remark as follows:—"Turning now to the consequences of an elective Council, we are not to suppose that the party now so violent in demanding it would sit down in quiet thankfulness and submission if it were granted. It is looked to, we must consider, not as an empty name, but rather as a means towards further ends. Neither are we left entirely in the dark as to what those ends may be. We will not enter upon the field of conjecture as to the various steps which might mark the progress of their demands, but simply point out that two at least have already been announced which, it appears to us, whilst England has a shadow of authority, it must be impossible, because dishonourable, to grant. The first is the repeal of the Tenures Act, without a guarantee for the titles that have been acquired under it; the second, the abrogation of the charter of the Land Company." Such would be one of the consequences of an elective Council, and further consequences of scarcely less importance were more than shadowed forth, and how did the noble Lord propose to meet this? The proposed resolutions told them that "in the existing state of Lower Canada, it was unadvisable to make the Executive Council of that province an elective body, but that it was expedient that measures should be adopted for securing to that branch of the Legislature a greater degree of public confidence." Ought they not to know what those contemplated measures were before they in the House of Commons affirmed the resolutions? They had the resolutions of the House of Assembly. They told them that their efforts would be unceasing, for an elective Council; that the only way in which the Government of this country could ever hope to enjoy the confidence of the people must be by giving them an elective Council—a Council submitted to and in accordance with their feelings and the feelings of the country. Why were they to be asked to vote for these vague resolutions, attempting to do something of which they knew not what would be the effect, or what was the object? He would say, let them not do what they had been doing from the commencement of this commission to the end of it; let them not raise expectations which they never intended to fulfil; let them not go on uttering vague words and doing nothing, for the effect of such a course would be this, and only this—it would weaken the force of a declaration of principle, and give to no human being the power of stating what indeed was the principle they took their stand upon. If they desired to surrender Lower Canada, let them do it at once; but if they surrendered Lower Canada, they must recollect they surrendered with it Nova Scotia and New Brunswick, and they cast off in Lower Canada alone 150,000 of their British fellow-subjects, who clung to them for protection against a tyrannical majority —who confided in the faith of the British Parliament, that it would not allow its engagements to them to be violated—who entreated it to allow them to continue in the undisturbed enjoyment of the law and liberties conferred on their ancestors, who themselves did not claim the power of tyrannising over their neighbours, but who did claim the privilege of exercising under the British crown the privileges of ritish subjects, and who, if they flung them off—if they abandoned them to their own resources, were doomed to sink in the wide-spreading democracy of the time. Let them not sacrifice their engagements to the prejudice rather than to the sound opinions of a party—he meant the French Canadian population—who had had granted to them a constitution as free as any nation could give to them—whose freedom was limited only by that absolute control which was necessary to secure the connexion between them and the mother country, but who called those whose interests were identical with the interests of the mother-country by the name of *étrangers*, after sixty years' habitation with them. The French Canadians lived under the lightest taxation of any people on earth; their only security for the absolute laws and feudal customs to which they clung was in the protecting power of this empire. If that protection were removed, in a short time would follow the utter destruction of their nationality, which would be merged in the one great, absolute, native-American republic. He felt that in stating his views he had detained the House for a considerable time; but he also felt that this was an occasion on which nothing should be reserved. His only difficulty in regard to his vote was, not in supporting his Majesty's Government, but in entreating them to support themselves; and if hon. Gentlemen on his side of the House saw any difficulty in the way of their compliance with the resolutions proposed, the inadequacy and weakness of which he felt strongly himself, he would beg them to remember that it was a question now whether they would throw the whole of the weight of their influence into the British scale and whether they would assist or compel the Government to maintain entire the British possessions, in North America. If Government felt any difficulty on account of the kind of support they met with for their resolutions on his side, he begged to remind them that on the question that was discussed the previous evening, if the votes of his Friends had not been thrown into their scale the result must certainly have been different. Ministers should not now have to complain of receiving the same kind assistance to which they had been deeply indebted on that occasion.

Viscount *Howick* confessed he had never heard any speech of his noble Friend with greater pain than the one he had just concluded. It was much to be regretted it should go forth to the people of Canada that a person who had deservedly so much weight and influence and authority in this House and in the country, had held language so completely the reverse of conciliatory, and conceived in so arbitrary a spirit. That such an individual should recommend measures of the arbitrary character of those recommended by his noble Friend he regretted deeply, and more especially for the sake of his noble Friend himself. But it was some consolation to him for the pain he felt at this speech, that he trusted it would act in some degree as an antidote to the very florid speech of the hon. Member for Bath. He trusted the hon. Gentleman would begin to feel that they were not quite such tyrants as that hon. Gentleman represented them. He thought that these two pictures, which were equally exaggerated, and opposite as they could be in their main features, would show in its true light the policy of his Majesty's Government, and would go far to convince the House that they had established a claim to be considered moderate men, by avoiding the weakness of improper concession on the one side, and by admitting the force of justifiable claims on the other. His noble Friend began his speech by expressing a hope that there would be an almost unanimous expression of opinion on the part of the House in the coming division; but towards the close of his speech he seemed to have forgotten his own recommendation, inasmuch as he brought forward arguments which, if good for anything, were good for this, that the House should not approve of the resolutions before it. After so long a debate he felt it was incumbent on him to compress into the smallest possible space the observations which he had to make in reply to his noble Friend; but he could not avoid requesting the particular attention of the House to some of the points in his noble Friend's speech, before going to the immediate question before them. His noble Friend had made some remarks on the dispatch of Lord Glenelg, in answer to one from the present governor of Lower Canada, after attempts had been made in vain to obtain supplies in 1836; and his noble Friend had commented with great severity on the expression in that dispatch, in which Lord Glenelg had stated that it was not desirable immediately to propose any measure in relation to the matter to Parliament. That noble Lord had said it might be well to make another trial with the House of Assembly, and wait to receive the answer. His noble Friend observed, it might be well for Lord Glenelg, who was not personally suffering, to give this answer, but it was cruel, it was merciless to those who were exposed in the colony, by the course taken by the House of Assembly, to the greatest distress. His noble Friend ought surely, before he made such an observation, to have acquainted himself with the facts of the case, which he might have obtained from the dispatches lying on the table of the House. If he had consulted them, he would have seen that Lord Glenelg did not leave the judges and other official persons who were entitled to salary without assistance or resources; on the contrary in writing his dispatch he told the Governor to appropriate, in order to relieve the pressing necessity of those persons the funds arising from the territorial and casual revenue, which would remain at the disposal of the Treasury, until, in the event of a successful termination of the negotiation with the Assembly, they should be placed under the control of the provincial legislature. The sum to be so appropriated was 30,000*l.*, equal to one year's salary of the judges and others; and having it in his power in this way to meet part of the distress of his Majesty's servants, he delayed till the latest period an application to that House. His noble Friend asked how came there to be this delay on the part of those Members of the Government who were Members of the Cabinet in 1834. Now he thought his noble Friend was taking a course not perfectly consistent with usage in referring in a debate in that House to Cabinet proceedings. He was not in the Cabinet at that time, and he therefore could not undertake to say what course was taken; but he might observe that it was not a necessary conclusion that the Cabinet was unanimous with respect to the bringing in of the Bill to which his noble Friend had referred. If the Cabinet was unanimous, he could not help attributing this to the weight which the authority of his noble Friend was likely to possess, and to the influence which, as Secretary of State, his opinion must have had with his Colleagues. But whatever might be the case with others, his own opinion had undergone no change; for his noble Friend was aware, that if that measure had been persevered in, he would have resigned the office he then held. He was aware also, that the Cabinet of that day, in agreeing in that measure, did not agree to it alone, or as a single measure. His noble Friend had leave to bring in the Bill, but with this condition, that he should at the same time move for a Committee, to which should be referred all the questions involved in the Canadian differences; and with this further condition, that his noble Friend should not make his motion till that Committee had investigated those grievances which were alleged by the Assembly to be the cause of the course they had pursued. His noble Friend by his gesture seemed to deny that there had been any such conditions; but he appealed to his right hon. Friend, the Member for

Taunton (Mr. Labouchere), to the hon. Member for Bath, and to the noble Lord himself, to confirm the correctness of the statement he was now about to make. What he said was, that in that Committee on two separate days—before the time when his noble Friend resigned his situation in the Government—on two separate days, notice was given of an intention to take the sense of the Committee as to the propriety of recommending to the House the Bill suspending the Act of 1831. He had a written record of what took place on that occasion. On two days notice was given of the intention to bring that subject under the consideration of the Committee, and on both those days, from different causes, that intended discussion was postponed. So much for the delays which had taken place, and the want of entire conformity on the part of those members of the present Government who were members of the Cabinet of 1834. He came now to that more serious question his noble Friend had raised as to the propriety of the measure before the House. His noble Friend told them that this was no time for half measures; that they must take one course or the other. This was not a question of whether he would support his Majesty's Government or the hon. Member for Bath; he had no hesitation as to that; he admitted that they must bring forward some measure to overcome the opposition of the House of Assembly, but he contended that the course proposed was wrong, because it was inefficient. There were two measures which might be adopted, if it were thought proper not to concede all that was demanded by the Canadians. There was that line of policy which his Majesty's Government recommended, and there was the stronger course recommended by his noble Friend himself. His noble Friend complained that the resolutions were not sufficiently stringent; he wished his noble Friend had described a little more fully what course of policy he would adopt. His noble Friend said they must be prepared to meet the continued hostility of the House of Assembly of Lower Canada, and that being the case he would probably have taken his stand on the Legislative Council as it now existed, and would have proposed the very measure which he would have brought forward in 1834—he would have come forward with a measure for the repeal of the Act of 1831. Would that course have been successful? Did his noble Friend suppose that he could have permanently carried on the Government in the face of the opposition of the House of Assembly by the means he proposed? His noble Friend had quoted several passages from the report of the Commissioners. He had quoted, amongst others, from Sir G. Gipps, who, after recommending the very measure to which his noble Friend had adverted, thus stated what his hopes were of its success:—

> "With respect to the working of the measure, which, in default of any other, we have been forced to recommend, I cannot entertain the hope that, unless combined with others of a very firm and judicious, but at the same time, healing character, it will prove either efficacious or safe. The Assembly, by the suspension of the Act 1 and 2 Will. 4th, will be deprived, it is true, of a portion of its power, but it will still remain in possession of ample means of thwarting the Government, and these means we may expect to see it exert with an unscrupulous hostility. The suspension of this Act is moreover the measure which they expect, for they had due notice of it in 1834, and for which they, to a certain extent, are prepared. The Assembly, even when deprived of the revenues of the 14th Geo. 3d, will retain its control over funds nearly twice as great as those in the hands of the Executive; and although the House may not have power to dispose of them at its discretion, it will, at any rate, be able to lock them up, and especially to prevent the application of them to any purpose favourable to the Government, or to the interests of the British party. It may also refuse to pass Bills required by the commercial interest, such, for instance, as Bills for the renewal of the charters of the Quebec and Montreal banks, both of which will expire in July, 1837. When I consider, therefore, the bitter hostility or rather fury, with which the Assembly will be animated against the British Government, and against British interests; the invectives which, under the direction of its practised leaders, it will pour forth against England; the power it will possess of spreading disaffection within the province, and inviting interference from without, I am at a loss to imagine how the Government can be carried on with advantage, and I cannot help fearing that we shall, ultimately, be driven to abandon the country, with all the shame of failure upon us, or to maintain it at a cost infinitely beyond its value."

This was the testimony of one of the very persons by whom the measures of his noble Friend were recommended, and the House saw what were his hopes of success. Why reference to his noble Friend's complaint, he was not prepared to say, that any mode of carrying on the Government under a popular constitution could be devised by which a permanent resistance to the popular branch of the Legislature could be maintained; he believed that with regard to every nation such a proposition was an absurdity in itself. He could not imagine that any man could look forward to the prosecution of such an attempt; he still most earnestly clung to the hope of an accommodation with the House of Assembly and the people of Lower Canada. His noble Friend had referred to the statement of the hon. and learned Member for Bath that the press of America was constantly exerting itself to excite the people against the Government of this country, and his noble Friend asked what remedy they proposed for this evil? Let him ask his noble Friend what remedy he himself proposed? If they suspended the Act of 1831 to-morrow, if they adopted all the views of his noble Friend, by what means could they control or prevent the perpetration of those acts of sedition to which he had adverted? What his noble Friend proposed was, to throw away all hopes of conciliation; openly, and without a chance of accommodation, he would come to issue with the House of Assembly. How would he work a popular Government in Canada with that feeling which the course he recommended would excite against it? The right hon. Baronet who sat near his noble Friend stated in an admirable speech he delivered some time since, that the Government of this country could not be carried on in opposition to the House of Commons. He would say, in like manner, it was impossible that they could maintain the Act of 1791, and govern Canada in open defiance of the popular branch of the Legislature. He saw a smile upon the face of his noble Friend, as if he had made an admission that was fatal to the whole policy of their Government. But he denied that such was the fact; the measure they proposed did not profess to meet such a case as that of an irreconcileable breach with the Assembly, it was to an accommodation with that body that he looked. He would say to the people of Canada, that Ministers could not and they would not make certain concessions which were demanded of them; and if they should be insisted on, they might be denied hereafter to adopt measures of rigour which were alien to their feelings, but which a stern and dire necessity might compel them to resort to. For the present, however, looking to the means of carrying on the Government, he would only do what was necessary to relieve the executive officers and the judicial officers from the pressure that now was on them; while at the same time he would say to the people of Canada, he was willing to enter into an accommodation with them, to agree to what would be fair terms with them, and to do that which would be just and equitable to all parties. That was, he declared, the principle of policy upon which the Government was prepared to act. He did not deny that success might not be attained by the Government. It was far from him to say that such a line of policy must certainly be successful. Their measures might fail—they might not be able to attain the object that they had in view; and should all their efforts be attended with an unfortunate result, what would be the consequence? Why, they would still have it in their power to take the course which his noble Friend had proposed, or they might even adopt still stronger measures if necessary. And if all attempts at conciliation failed, then the Legislature would have to determine between one of two things, they might determine upon governing Canada upon principles different from those of the Act of 1791, or they might withdraw their protection from that colony. He would not disguise, that the alternative was of a fearful description. It was an alternative to which he trusted and believed they would never be driven. The alternative was bad for all parties, and one that, in his judgment, could not with calmness be contemplated. The consequences would be most injurious to the interests of the Canadians, and, above all, to those of the French Canadians. If the question were important to this country and to the British Crown, he thought that it was still more highly important, he might say doubly important, to the people of Canada, that they should retain the advantage, the aid, and the countenance of the power of this country. The blessings that resulted to the Canadians from the connexion, he believed to be so great that he could not suppose that the people of that country would come, after maturely considering all these things, to such an alternative, he could not believe that they would reject the terms that would be offered to them.

But his noble Friend said, that they ought to take their stand in support of the Legislative Council as it now existed, he had condemned the expressions used by his right hon. Friend, the Member for Taunton, respecting the constitution of the Council and more particularly his reference to the speech of Mr. Fox in 1791, and he had also asked them what they meant by the expression used in the resolutions with regard to the Legislative Council. He at once asked in reply to such observations, was it possible to take as their ground of defence the Legislative Council as it now stood? He asked his noble Friend whether he had given an attentive consideration to the passages in the general report adverting to that council, which even in its origin was admitted to be but an experiment? It was stated distinctly in the report that the system of nomination adopted with respect to that council was a vicious one, and that it afforded neither security to the throne nor confidence to the people. It was stated, too, by the Commissioners, that even during their own residence in Canada the council had rejected bills which were of great public good; and it was clear from their experience of the present constitution of the Council that it was not quite suited to the Canadians. Why, then, in the face of the Report of their Commissioners—of Commissioners, too, of their own nomination, was it possible for them to declare that the Legislative Council, as at present constituted, was such that, under no circumstances, it was to be departed from. Was it not even avowed by Mr. Pitt that it was an experiment at the time that it was adopted? Was not his noble Friend aware that its adoption was a deviation from the whole of the policy adopted with respect to other colonies? Was not his noble Friend aware that a council, such as it was, in Upper and Lower Canada never before existed in any one of the British colonies? It never before existed, and never since had existed. Mr. Pitt had unfortunately departed from the usual form adopted with respect to other colonies. There was no such institution in Nova Scotia, in New Brunswick, in Jamaica, or in the West-India islands. In all these there was to be found a council different from that which existed in Canada. The Canadian council did not represent the Crown, nor was it elected by the people, and it was one over whom there was no species of control whatever. It appeared to him that this was the original fault, and a great fault it was. But now, as to making the Council elective, if, for the reasons assigned by the Commissioners, they were for refusing the change that was proposed, it did not follow that because they were not prepared to make the Council elective, that therefore they were to maintain it precisely in its present condition. His noble Friend had said, that the words contained in their resolution, referring to this point, were very vague—that they talked of the Legislative Council having more of the public confidence than it now possessed. He begged to state—as it had been already mentioned by his noble Friend (Lord J. Russell), in introducing this subject, that the resolutions proposed were to be the ground work of a bill—that an Act of Parliament was necessary to carry into effect the views of the Government, and in that Act of Parliament certain improvements were proposed to be introduced with respect to the constitution of the Legislative Council. They should prepare to remove from the Legislative Council those who were guilty of offences in certain circumstances—that legislative councillors should have the power of resigning; and certainly, beyond that, security would be afforded for having a more judicious choice of members of the Council. It might be impossible to devise means for giving complete security for a satisfactory choice of the members of the Council, but at least much improvement would be made and, more than that, he would say, that if a plan could be devised such as would be satisfactory to the people of that province—if any mode could be devised of practically improving the constitution of that Council—in such an improvement he for one would be most happy to agree. They would not be right in saying to a people of the numbers and the intelligence that the Canadians had now attained, " Here is a constitution not more than forty years in existence—here is a novel experiment in legislation—here is a system that was never heard of before—here is an anomaly in legislation—here is one that you (the people of Canada) feel the effects of, and which you call upon us to alter but which we are determined to maintain"—they would not, in such a case, he concluded, be right in refusing such a demand, and they could not, in his opinion, in common justice refuse to accede to it. They would have no right to say to such a people, that here was a part of their institutions which, however ill it might be found to work, they would not consent in any manner to alter. In all free countries the institutions ought to be such as were calculated to produce the most good to the great body of the people. If they attempted to support and maintain any other —no matter what might be the aid they should obtain, or the power they could command—although they might for a shorter or a longer period prolong the contest, still they might depend upon it that, sooner or later, they would be defeated. He, for one, never would say to the people of Canada that where a necessary improvement was required, to that necessary improvement he would never consent. He trusted that the Parliament and the country never would adopt that mode of dealing with Canada. Such were the grounds upon which the policy of the Government rested, and upon that he hoped it would rest. But then they were told there was no chance of conciliating upon the one hand the Assembly of Lower Canada, and on the other that part of the population that was opposed to the Assembly. Although he was told this, he believed the people to be accessible to reason, and that an accommodation might be effected between the parties. The hon. and learned Member for Bath told them that it was quite in vain to look for such accommodation. Even if he were so convinced, still he thought that the attempt ought to be made before they came to the last resort. Before they gave themselves up to despair, before they abandoned all hope of accommodation, and proceeded in consequence to any extreme measures of coercion, they were bound to be able to show to the Canadians, and to the people of Great Britain that every possible attempt had been made at accommodation. He did not, however, think that the attempt would be hopeless. This opinion he founded upon the effects of the course pursued by Lord Goderich, in the two years that he had the honour of serving under that noble Lord, whose policy was founded upon the principles he had referred to, and which he believed, that his noble Friend, now Secretary of State, was prepared to follow up—this he knew, that the effects of such a line of policy was, that in the year 1832, Mr. Papineau was left in a minority in the Assembly, on this very question respecting the propriety of having an elective council. From the course then pursued, he found that it had the effect of rallying round the Government many men of moderate and independent opinions. He thought it then unfortunate that, at that time, those measures which were required to carry these views into effect, were not adopted as completely as they ought to have been. He knew that, from circumstances, it was impossible for his noble Friend (Lord Ripon) to do all that was requisite; but still, he said, that even what he did do, was attended with very great and beneficial results. For, previously to 1831, it was not merely the French Canadians that formed the party of Mr. Papineau, but there was also joined with them in strong and a strenuous opposition, many persons of great weight, influence, and authority, in that country, who were now to be found ranged in the ranks of the supporters of Government. Amongst others, he might mention Mr. Neilson. Mr. Neilson, who had, with regard to the Bill respecting the finances of Canada, proposed by Sir George Murray, given it his decided opposition, was found, since the concessions made by Lord Goderich, to be one of the supporters of the Government. If that course of policy were consistently and permanently carried into effect, they might overcome the opposition which they had to encounter, and put an end to all those unfortunate divisions that now existed. If already all that was required was not done, he regretted it; but that was, perhaps, beyond the control of the ministers. Whatever little influence he possessed, when he was in the Colonial Office, was given to carry into effect a course of conciliation; and if it were to be done over again with the results before him, still he would exercise his influence in the same direction. There was not one step that at that time had been adopted which he now lamented, and he did hope that the House would make one more attempt at conciliation. Such was the course of policy he recommended, and was prepared to adopt. He recommended them to pursue a temperate and moderate course, until they were enabled to put an end to all these unfortunate and miserable disputes.

Mr. *Cressett Pelham* was understood to say that he saw the Ministry were determined to pursue a course of policy to which he, as a lover of the constitution, never could agree. Though disagreeing with them, as the only alternative offered him of supporting them or espousing the side of the hon. and learned Member for Bath, which he could not possibly do, he was bound to vote for the resolutions.

Mr. *Leader* had a few observations to make upon the speech delivered by the noble Lord, the Member for North Lancashire. That noble Lord ought to have remembered what a Minister of the Crown had said in the last century, when he proposed for the consideration of the House, measures to be applied to these North American provinces. " He hoped," he said, " that they would enter into the discussion deliberately and dispassionately, and have no recourse to violent language" —that they would not have anything of the " *animorum incendia.*" If the noble Lord had remembered the wise advice of Lord North, he would have abstained from the violent, inflammatory, and insulting language he had used towards the Canadians. He thanked the noble Lord for that speech—violent and insulting as it was. It would, he believed, have the same effect upon the people of Canada as the speech of another noble Lord had upon the people of Ireland. The one had insulted the Canadians, as the other had insulted the Irish people. The noble Lord had the distinction of being called the evil genius of Ireland : he might now add to it the unenviable title of being called the evil genius of Canada. He once more thanked the noble Lord for his speech, and he congratulated Ministers upon having such an ally. With the permission of the Committee, he would state that it was the intention of those with whom he acted to divide upon every resolution, and to discuss the question on every occasion possible.

Mr. *Roebuck* wanted to know if the House had come to the determination of proceeding with the resolution without having before them the evidence given in 1834? He must have an answer to that question before they proceeded to the next resolution. He would again ask the committee whether they would decide on this question without having the entire of the evidence before them ?

The three first resolutions being merely declaratory were agreed to. On the fourth resolution being put " That, in the existing staet of Lower Canada, it is unadvisable to make the Legislative Council of that province an Elective body; but that it is expedient that measures be adopted for securing to that branch of the Legislature a greater degree of public confidence," Mr. Leader proposed his amendment as follows—to leave out all the words after the words " Lower Canada," in order to add the words " It is advisable to make the Legislative Council of that province an Elective Body:"—Question put, " That the words proposed to be left out stand part of the proposed resolution." On this question the Committee divided. Ayes 318; Noes 56:—Majority 262. Main question again put.

Sir *G. Grey* said, that after this division he trusted no further opposition would be thrown in the way of the views of Government on this subject.

Mr. *Roebuck* said, that a direct appeal having been made to him by the noble Lord opposite, in reference to the evidence of the Committee on the affairs of Canada, upon which he believed this question greatly depended, he felt called upon to demand the publication of that evidence. Till they were in possession of it he should oppose further proceedings. He knew the impression which had been made on the House by the observations of the noble Lord, an impression which must make itself speedily felt out of doors; and he maintained that under these circumstances the House ought to allow him to have the evidence upon which he so much relied, and not in the absence of it to vote away the liberties of a whole people. The hon. Baronet, alluding to the large, the overwhelming majority by which the ministerial measure had been carried to-night, expressed a hope that no further opposition would be made to it. He begged the hon. Baronet to recollect that he (Mr. Roebuck) went out in as small a minority on the Irish Coercion Bill. He moved that the Chairman do report progress.

Mr. *Robinson*, as a Member of the Committee in question, begged to state why he was opposed to the publication of the evidence adduced before it; namely, that it was an *ex-parte* statement. The inquiry of the Committee was cut short when the noble Lord then at the head of the department went out of office : the evidence up to that period had been all on one side of the question, there not having been time to call the evidence on the other side;

The Chairman again read the fourth resolution, and then put Mr. Roebuck's amendment that the Chairman report progress.

The Committee divided on the Amendment:—Ayes 39; Noes 287;—Majority 248.

The *Chancellor of the Exchequer* begged the House would consider that they really had before them all the information they could possibly require. Still it was not his wish, and he had no disposition to conceal from the House any one public document which they pleased to call for, but hon. Members would recollect that the subject of Canada was noticed in the King's Speech, and the hon. Member for Bath had been aware, from the commencement of the Session, of the existence of this evidence, and if he had thought its production material to the matter at issue, he might have moved for it. If he considered the papers before the House incomplete without the evidence taken before the Committee, he should have moved for the production of these documents. It was quite true, that the case was somewhat varied by the circumstances which had occurred in the course of this discussion. Allusion had indeed been made to the evidence taken by the Committee, but more with the view of pointing out the different courses of proceeding of the respective Governments than for the purpose of explaining the subject matter of this particular resolution. He was disposed to do anything that the hon. Member wished, that did not amount to a question of mere delay, and nothing but delay. Before the House broke up that night, he would move for the production of the papers referred to, and they should be laid on the table of the House the next day. He was reminded that the original papers had been burnt in the fire which consumed the Houses of Parliament; but the Members of the Canada Committee were in possession of the documents relating to the question, unless indeed any of them had parted with their copy. He had his own minutes of evidence, and if the House would permit him, he would lay them on the table of the House the next day, for the use of hon. Members. The hon. and learned Member for Bath, no doubt, was in possession of his own minutes of evidence, and the copy which he would lay on the table would be all that was necessary, as that evidence would then be available for discussion. He, however, must tell hon. Members, that if they asked for this evidence not for the purpose of information, but for the purpose of protracting the measure, he could not consent to an application which was calculated to promote an undefined delay. He had shown the hon. Gentleman that he would get the full benefit of these documents if the course which he recommended were adopted, as every possible use might then be made of them in argument, and therefore he hoped that he would acquiesce in this suggestion.

Mr. *Harvey* did not rise at the present moment to enter upon the general merits of the question, but to urge the importance of placing on the table of the House, the evidence upon which the noble Lord had laid so great stress. It was due to him—it was due to the House, which had to decide—it was due to British interests, and above all, to the feelings of Canada; for it had been argued, and the evidence was alluded to in support of the charge, that the people of Canada had violated her express engagements, and thus brought about that state of things which originated the present measure. He admitted and admired the spirit of the noble Lord, it was bold, frank, and eloquent, of all his many able speeches, it was one of the best; yet worth depended mainly upon the accuracy of his representations, of the evidence to which he had referred, and upon which he had dwelt with great earnestness; and this evidence ought to be forthwith adduced, and before we affirmed the first proposition, which was, in fact, the essence of the whole question—To decide first, and hear and read evidence after deciding, was that species of one-sided Legislation, that ought at all times to be deprecated; but upon a vast question like that now before the House, involving as it did the momentous issue of peace or war—we ought to be peculiarly solicitous to give to our decision the weight of sober thought and an enlightened judgment. It was important to observe that the resolution now proposed to be affirmed, did not propound a general principle, which the House was to affirm or deny—that would require no evidence given before a Committee, but the House was invokedto affirm that an elective council in Canada was inexpedient, which implied altogether a question of fact, and thus rendered testimony of whatever kind bearing upon the subject, of primary importance. With these feelings strong on his mind, and deprecating anything wearing the appearance either of faction or precipitancy, he should feel it his duty to concur in divisions until six o'clock in the morning, unless the evidence was first agreed to be laid upon the table of the House.

Mr. *Ward* observed that the greater the weight which attached to the speech of the noble Lord, the more essential it was, that the evidence which had been given before the Committee should be produced before they could determine so vital a question as this.

Lord *Stanley* begged to say, that he laid no great stress on the evidence taken before the Committee. He did not rest his arguments on that evidence, but he showed that it contained the whole of the information which was now derived from the Commissioners' report. He had mainly alluded to that evidence in order to show that the Government had followed out the recommendations, and he wished it had been done sooner, which had been formerly given, and to state what were the views and objects which were openly avowed by the parties represented by the hon. Member for Bath.

Mr. *Roebuck* said, that the noble Lord had already forgotten one part of his speech, namely, that which related to a charge of a breach of faith on the part of the Canadian Legislature. Now, in the evidence, there was proof that the noble Lord had quite misunderstood that part of it. There was no stipulation of the kind mentioned by the noble Lord, on the part of the Canadian people; and if there had been, they had more than fulfilled it. Now when they came to ground a resolution on the conduct of that assembly, he claimed it as a matter of right, and not as a matter of courtesy, that all the evidence that could be produced should be laid before the tribunal which pretended to come to a decision on the subject. The Chancellor of the Exchequer had also forgotten something which his Government had done. When he applied for the evidence it was first promised and then refused, but now that he had made out a case that touched the House, the right hon. Gentleman was ready to produce it. The Chancellor of the Exchequer's conduct to him had been somewhat unhandsome. What did the right hon. Gentleman mean by the insinuation of "parting with their copy?" He had brought a charge against the right hon. Gentleman. He did not insinuate that he had broken his promise, but he said openly that he had done so. He had not hinted anything contumelious, but had distinctly told him what he thought of him. He had not got his copy; it had been destroyed, but the evidence did get to Canada, and was printed there but, not from his copy or through his means. He dared to say, that the Chancellor of the Exchequer had not got his copy.

The *Chancellor of the Exchequer.* Yes, I have.

Mr. *Roebuck.* Has the noble Lord got his?

Lord *Stanley* intimated that he had.

Mr. *Roebuck* doubted whether the hon. Member for Worcester was in possession of his. [Mr. Robinson replied in the affirmative.] He was only doing this to show how unhandsomely he had been treated; and he would now only say, that if ever he had to ask any favour from the Chancellor of the Exchequer, which he should be very sorry to be compelled to do, he would beg of that right hon. Gentleman when he had any thing to say of him to say it with fairness and candour, and he need not say, with boldness, instead of throwing out insinuations against him.

The *Chancellor of the Exchequer* remarked that the hon. Gentleman and himself had been at issue on this point before, and if he would take the trouble of referring to the records of the discussions which then took place, he would find that what he now said was exactly what he had stated before. The originals having been destroyed, the evidence was not strictly within the reach of the House; but he tendered his own copy, and the copy of any other hon. Member, for the purpose of being laid on the table and made available for all the purposes of a discussion. If he were disposed to adhere to mere form, he should say, that the House had no means of obtaining that evidence; but so far was he from depriving the House of all the information that could be required on the subject, that he suggested that if this demand were not made use of for the sake of delay how the difficulty might be obviated. In getting over that, he was quite willing to give every assistance. His noble Friend (Lord Stanley) had, as it appeared to him, alluded to the evidence in order to show what was the position of different Governments and his own position with respect to this question, and not for the purpose of dealing with the merits of the question itself; but, notwithstanding this, he would say that the evidence should be produced, and should be printed in the quickest possible time. But when the hon. Member for Bridgewater declared that all the resolutions should be contested, and that the Bill for which these resolutions were the foundation should be fought in all its stages, and when he found the production of this evidence insisted on as a necessary preliminary, although he was most anxious to come to any fair arrangement, he could not consent to any unnecessary delay.

A discussion of some length, but of a desultory and personal character ensued relative to the production of the evidence taken before the Committee, and the propriety of further proceeding till it was produced, which was finally terminated by Mr. Hume moving, that the Chairman do leave the chair. He added, that he thought the best course that Government could adopt, would be to withdraw the resolutions altogether.

The Committee divided on Mr. Hume's motion:—Ayes 14; Noes 76: Majority 62.

Main question again put, and after some further discussion, Mr. Harvey moved, that the Chairman report progress, on which the Committee again divided:—Ayes 18; Noes 164: Majority against the motion 146.

Main question again put.

Captain *Berkeley* was glad to see the result of this division, as it shewed that delay, and delay only, was the object, in endeavouring to wear out the patience of a large majority, and counting out the House. They had heard of the tyranny of a majority; but they saw what could be done by a miserable monopolising minority. His Majesty's Ministers would see what would be the consequence if they did not pursue a straightforward course. He hoped they would not attempt to conciliate or make friends of those who must be enemies.

Mr. *Hume* was for delay; delay was his object, on the principle laid down by the Chancellor of the Exchequer, and lest it should go forth to Canada, that the House had acted before it had all the information it ought to have. They were taking this severe course against the Canadians without information, and therefore he was for delay.

Colonel *Thompson* was anxious to say, that he was for delay too. Delay was wholesome; he would give a guinea a minute for delay, if he could raise it. All thought, and especially all forethought, required time, and if time were not allowed, they could not come to a sound and safe conclusion.

The Committee divided on the main question, "that in the existing state of Lower Canada, it is unadvisable to make the Legislative Council of that state an elective body, but that it is expedient that measures be adopted for securing to that branch of the Legislature, a greater degree of public confidence:—Ayes 144; Noes 16: Majority 128.

The House resumed. Committee to sit again.

We subjoin the list of the first division, that on Mr. Leader's Amendment, the one which involved the principle at issue.

List of the AYES.

Adam, Sir C.
Ainsworth, P.
Alsager, Captain
Alston, R.
Angerstein, J.
Anson, hon. Colonel
Arbuthnot, hon. H.
Archdall, M.
Ashley, Viscount
Astley, Sir J.
Bagot, hon. W.
Bagshaw, John
Baillie, H. D.
Baines, E.
Balfour, T.
Barclay, D.
Barclay, C.
Baring, F. T.
Baring, F.
Baring, W. B.
Baring, T.
Barnard, E. G.
Barneby, J.
Barron, H. W.
Beckett, rt. hon. Sir J.
Bell, M.
Bentinck, Lord G.
Bentinck, Lord W.
Beresford, Sir J.
Berkeley, hon. F.
Berkeley, hon. C.
Bewes, T.
Biddulph, R.
Blackburne, I.
Blackstone, W. S.
Bolling, W.
Bonham, R. F.
Borthwick, Peter
Bowes, J.
Bramston, T. W.
Brocklehurst, J.
Brodie, W. B.
Brownrigg, S.
Bruce, C. L. C.
Bruen, F.
Buller, E.
Buller, Sir J. Y.
Burdon, W. W.
Burrell, Sir C.
Byng, G.
Campbell, Sir H.
Campbell, Sir J.
Canning, hon. C. J.
Canning, rt. hon. Sir S.
Cavendish, hon. G. H.
Cayley, E. S.
Chalmers, P.
Chandos, Marquess of
Chaplin, Colonel
Chapman, A.
Chetwynd, Captain
Chisholm, A. W.
Clerk, Sir G.
Clive, E. B.
Clive, hon. R. H.
Collier, John
Compton, H. C.
Conolly, E. M.
Corry, rt. hon. H.
Cowper, hon. W. F.
Crawford, W.
Crewe, Sir G.
Dalbiac, Sir C.
Dalmeny, Lord

Darlington, Earl of
Denison, W. J.
Denison, J. E.
Dillwyn, L. W.
Divett, E.
Dottin, A. R.
Dugdale, W. S.
Dunbar, G.
Duncombe, hon. W.
Dundas, hon. T.
Dundas, J. D.
Dunlop, J.
East, J. B.
Eastnor, Viscount
Ebrington, Viscount
Egerton, Lord Fran.
Elley, Sir J.
Ellice, right hon. E.
Estcourt, T. G.
Estcourt, T. H.
Farrand, R.
Fector, J. M.
Feilden, W.
Ferguson, R.
Ferguson, G.
Fergusson, rt.hon.R.C.
Finch, G.
Fitzroy, Lord C.
Fleming, J.
Folkes, Sir W.
Follett, Sir W.
Forester, hon. G.
Forster, C. S.
Fremantle, Sir T.
Freshfield, J. W.
Gaskell, J. Miles
Geary, Sir W.
Gladstone, T.
Gladstone, W. E.
Gordon, R.
Gordon, hon. Capt.
Goring, H. D.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grant, hon. Colonel
Greene, T.
Gresley, Sir R.
Grey, Sir George
Grimston, Viscount
Grimston, hon. E. H.
Hale, R. B.
Halford, H.
Halse, J.
Hamilton, G. A.
Hamilton, Lord C.
Handley, H.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, rt.hon.Sir H.
Hardy, J.
Hastie, A.
Hawkes, T.
Hawkins, John H.
Hayes, Sir E. S.
Heathcoat, J.
Heathcote, G. J.
Henniker, Lord
Herries, rt. hon. J. C.
Hillsborough, Earl of
Hind, J. H.
Hobhouse, rt.hon.Sir J.
Hope, H. T.
Hotham, Lord
Houstoun, G.
Howard, P. H.
Howick, Viscount
Hughes, W. H.
Hurst, R. H.
Jackson, Sergeant
Jephson, C. D. O.
Jermyn, Earl
Inglis, Sir R. H.
Johnston, A.
Johnstone, Sir J.
Johnstone, J. J. H.
Jones, W.
Irton, S.
Kerrison, Sir E.
King, E. B.
Knight, H. G.
Labouchere, rt.hon.H.
Law, hon. C. E.
Lawson, A.
Lefroy, A.
Lefroy, right hon. T.
Lemon, Sir C.
Lennard, T. B.
Lennox, Lord G.
Leveson, Lord
Lewis, D.
Lewis, W.
Lincoln, Earl of
Lister, E. C.
Long, W.
Longfield, R.
Lowther, J. H.
Lucas, E.
Lushington, Dr.
Lushington, C.
Lynch, A. H.
Mackenzie, S.
Mackinnon, W. A.
Macleod, R.
Mahon, Viscount
Mangles, J.
Marjoribanks, S.
Marshall, William
Martin, J.
Maule, hon. F.
Maunsell, T. P.
Maxwell, H.
Methuen, P.
Meynell, Captain
Miles, William
Milton, Viscount
Mordaunt, Sir J.
Moreton, hon. A. H.
Morpeth, Viscount
Morrison, J.
Mosley, Sir O.
Murray, rt. hon. J. A.
Neeld, J.
Nicholl, Dr.
Norreys, Lord
North, F.
O'Ferrall, R. M.
Oliphant, Lawrence
Ossulston, Lord
Palmer, R.
Palmerston, Viscount
Parker, M.
Parker, John
Patten, J. W.
Pease, J.
Pechell, Captain
Peel, right hon. Sir R.
Pelham, J. C.
Pemberton, Thomas
Pendarves, E. W. W.
Philips, M.
Philips, G. R.
Phillips, C. M.
Pigot, R.
Plumptre, J. P.
Polhill, F.
Pollen, Sir J. W.
Pollock, Sir Fred.
Ponsonby, hon. J.
Poulter, J. S.
Powell, Colonel
Price, S. G.
Price, Sir R.
Price, R.
Pryme, G.
Rae, rt. hon. Sir W.
Ramsbottom, J.
Reid, Sir J. R.
Rice, rt. hon. T. S.
Richards, J.
Richards, R.
Rickford, W.
Robinson, G. R.
Rolfe, Sir R. M.
Ross, C.
Rushbrooke, Col.
Russell, C.
Sandon, Viscount
Scott, Sir E. D.
Scott, J. W.
Scourfield, W. H.
Scrope, G. P.
Seale, Colonel
Seymour, Lord
Shaw, right hon. F.
Sheppard, T.
Shirley, E. J.
Sinclair, Sir G.
Smith, J. A.
Smith, hon. R.
Smith, R. V.
Smyth, Sir H.
Somerset, Lord G.
Stanley, E.
Stanley, Lord
Stanley, W. O.
Stewart, P. M.
Stormont, Lord
Strangways, hon. J.
Strutt, E.
Stuart, Lord J.
Sturt, Henry Charles
Surrey, Earl of
Talbot, C. R. M.
Tennent, J. E.
Thomas, Colonel
Thomson, rt. hon.C.P.
Thompson, P. B.
Thompson, Alderman
Townley, R. G.
Trench, Sir F.
Trevor, hon. A.
Trevor, hon. G. R.
Troubridge, Sir E. T.
Turner, W.
Twiss, H.
Tynte, C. J. K.
Vere, Sir C. B.
Vernon, G. H.
Vesey, hon. T.
Vivian, John Ennis
Vivian, J. H.
Vyvyan, Sir R.
Wall, C. B.
Walpole, Lord
Wason, R.
Wemyss, Captain
Wayland, Major
Whitmore, T. C.
Wigney, I. N.
Wilbraham, G.
Wilbraham, hon. B.
Wilde, Sergeant
Williams, W. A.
Williamson, Sir H.
Wilson, H.
Wodehouse, E.
Wood, C.
Worsley, Lord
Woulfe, S.
Wrightson, W. B.
Wynn, rt. hon. C. W.
Young, G. F.
Young, J.
Young, Sir W.

TELLERS.

Stanley, E. J.
Steuart, R.

List of the NOES.

Aglionby, H. A.
Baldwin, Dr.
Beaumont, T. W.
Blake, M. J.
Brabazon, Sir W.
Brady, D. C.
Bridgeman, H.
Brotherton, J.
Browne, R. D.
Buckingham, J. S.
Bulwer, E. L.
Butler, hon. P.
Crawford, W. S.
Elphinstone, H.
Evans, G.
Ewart, W.

Fielden, J.
Fitzgibbon, hon. Col.
Finn, W. F.
Fitzsimon, C.
Gaskell, D.
Grote, George
Gully, J.
Harvey, D. W.
Hector, C. J.
Hindley, C.
Holland, E.
Hume, J.
Humphery, John
Maher, J.
Molesworth, Sir W.
Mullins, F. W.
Musgrave, Sir R.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
Palmer, General
Parrott, Jasper
Pattison, J.
Power, J.
Rundle, J.
Ruthven, E.
Tancred, H. W.
Thompson, Colonel
Thornley, T.
Trelawney, Sir W.
Tulk, C. A.
Vigors, N. A.
Villiers, C. P.
Warburton, H.
Ward, H. G.
Whalley, Sir S.
Williams, W.
Williams, Sir J.

TELLERS.
Leader, J. T.
Roebuck, J. A.

HOUSE OF LORDS,

Thursday, March 9, 1837.

MINUTES.] Bills. Read a first time:—Small Debts (Scotland).

Petitions presented. By Lords HATHERTON, BROUGHAM, DUNCANNON, Earl FITZWILLIAM, and Viscount MELBOURNE, from Paisley, Northampton, and various other places, for the Abolition of Church-rates.—By the Earl of SHAFTESBURY, and several other Noble LORDS, from Netherwent, Elmly, and various other places, against the Abolition of Church-rates.—By Earl STANHOPE, from several Parishes in London, for Poor Laws Amendment Act.—By Lord BROUGHAM, from Mold, for Vote by Ballot.

CHURCH-RATES.] The Archbishop of *Canterbury* had to present to their Lordships a considerable number of petitions on the subject of Church-rates, the prayer of which, precisely the same as was contained in the petitions already presented by the right rev. Prelates who had preceded him in the course of the evening, was against the abolition of Church-rates. Although it was not his habit to address their Lordships on presenting petitions, still he trusted, considering the general feeling of anxiety which prevailed on this subject, that he would be permitted to claim their Lordships' attention for a short time. In consequence of the number of petitions against Church-rates which had been laid on the table, as well as from the meetings that had taken place in different parts of the kingdom, it was supposed by many that the country in general was hostile to the continuance of those rates. But if they looked to the mass of petitions which had been presented on the other side, strongly deprecating any improper interference with those rates they would be justified in coming to a very different conclusion. Petitions from agricultural districts had been placed in his hands, in which the petitioners "denied that Church-rates were unpopular amongst them." They said they "could not bear the idea of the sacred buildings devoted to religious worship being left to ruin and dilapidation which they feared would be the case if Church-rates were abolished;" and such he believed to be the general feeling throughout the country. The objection to Church-rates had been almost entirely confined to Dissenters, and particularly to certain populous districts; and those who thus opposed them had almost declared in terms that they had ulterior objects in view. It was proper, then, that all those who had the welfare of the Church at heart should be upon their guard. They had been told that the measure about to be introduced in the House of Commons would be satisfactory to all parties. He wished it were so. He should be pleased with any measure that was likely to be satisfactory to all parties. In that case he would not have troubled their Lordships with the presentation of those petitions without first ascertaining from the parties by whom they were signed whether they still were anxious that they should be presented. But when he looked to the plan brought forward in the House of Commons, he could not bring himself to think that it would be satisfactory to those petitioners. He felt astonished how any person could consider that the plan would be satisfactory to the friends of the Church. The principle of the bill and its outline were so unkind to the Church, the measure seemed to be so pregnant with mischief in its consequences, that he certainly never would give his assent to its becoming law. It took property from the Church which had belonged to it from time immemorial, and appropriated it to purposes which hitherto had been otherwise provided for. Who complained of those rates? Certainly not those out of whose pockets they chiefly came. Did the possessors of property complain of the burden of Church-rates? No. They would be ashamed to complain of an impost which was laid upon them for the maintenance of the church of the country, for the maintenance of religion, and, he might say, for the preservation of the morals of the lower orders. The measure to which he had alluded was intended for the relief and satisfaction of the Dissenters, who objected to pay these rates on principle, because it was a contribution to the maintenance of the Established Church. But their only principle was to get that property relieved from the payment of Church-rates which they had bought subject to those rates. Now, if the Church had funds at its disposal, why should they not be laid out in providing Church-room and pastoral instruction for that large body of members of the establishment who were at the present moment, deprived of the means of religious instruction? Statements had been made, founded on truth and not on speculation, that there were thousands of people, nay he might say hundreds of thousands, in that situation. There were nearly 2,000,000 persons in various parts of the country almost destitute of religious instruction in consequence of the want of accommodation in the churches. In the neighbourhood of the metropolis there was a district with a population of 160,000 souls, and only thirteen clergymen; and in Lancashire, Cheshire, and other places, the deficiency was still greater. And yet with these facts staring them in the face they were called on to remove a tax, the pressure of which was hardly felt by any party, and to shift it to property which was never intended to bear it. When the wants of the Church population of the country were so pressing, it would in his opinion be most unjust and impolitic to apply any surplus of Church property otherwise than to the spiritual wants of members of the established religion. The plan proposed however diverted Church property from the uses of churchmen. A mode of raising money on Church property was to be resorted to, not to provide spiritual instruction for members of the Church, but to relieve those who dissented from the Church. If other plans were rejected as being objectionable on various grounds, what were they to say to the plan now proposed? It contemplated nothing more nor less than the sequestration of the estates belonging to the dignitaries of the Church—the archbishops, bishops, deans, and chapters. Those estates were to be placed under the management of a Board of Commissioners, invested with full powers for granting leases, for selling reversions, for mortgaging or alienating church property, as they might think advisable. Now, he would ask, was any noble Lord so blind as not to see that the effect of the plan would be to make the dignitaries of the Church (using the mildest term) mere annuitants, to deprive them of all the influence and advantages which were annexed to the possession of land, and to render them dependent on a Board of Commissioners nominated by the Government? Why, considering the very violent changes that had taken place at different times, a conjuncture of affairs might arise, in which the whole of this Church property might be swept away, in the process of amendment. He believed that he had said enough to show the injustice of the scheme that was proposed, its degrading effects on the dignitaries of the church, and the danger with which it menaced the interests of the Church itself. Objections without end could be urged against the measure; but, as many of them were matters of detail, although involving principles of importance, he would not enter into them on this occasion. He was, however, obliged to come forward, not only in obedience to his own feelings on the subject, but because he had been authorised to express the sentiments of others. A meeting of bishops had been held that morning, at which they assembled to the number of fifteen (being nearly all the prelates who were in town), and he had been authorised by them to declare their unanimous concurrence in the sentiments which he had expressed, and their determination to resist the proposed measure by all proper and just means. There was another consideration which impelled him to address their Lordships—it was, that the names of the Archbishops of Canterbury and York, and of the Bishop of Llandaff, as dean of St. Paul's, were placed in the list of Commissioners for the management of those estates, and the disposal of Church property. An opinion had in consequence been formed that they were privy to the plan, and that it had met with their approbation and concurrence. Such, however, was not the case. He mentioned this to obviate the notion which had got abroad amongst the clergy, and which had excited a great deal of alarm, that they were privy to the plan, and approved of it, and he took that opportunity to relieve himself and his rev. Friends from the imputation. The most rev. Prelate concluded by presenting several petitions against the abolition of Church-rates.

Viscount *Melbourne* had listened to what had fallen from the most rev. Prelate with the greatest attention; he had listened to him with that respect which he was always anxious to pay to him, and which he was the more inclined to observe on the present occasion, when the most rev. Prelate spoke not only his own sentiments, but the sentiments of many of his right rev. brethren. He heard, he repeated, the most rev. Prelate with the greatest respect and the most anxious attention; but, he must add, with the deepest sorrow and concern. He had listened with deep concern, because he felt that the most rev. Prelate's opinion might have some effect with reference to the measure about to be introduced to the other House of Parliament—a measure which, he was convinced, would be highly beneficial in its operation—advantageous to the Church—advantageous to the country, and which was, therefore, loudly called for, in the circumstances in which the country was at present placed. He had listened to the most rev. Prelate with deep concern, on account of the effect which his observations might have on the success of that measure; he had listened to the most rev. Prelate with deep concern with reference to the interests of the Church itself. The most rev. Prelate had expressed himself anxious for the preservation and the efficiency of the Church; but he would say, that the course which the most rev. Prelate had taken was one which could not be maintained or defended, and which was not calculated to conciliate for the Church that reverence and respect which he was desirous that it should command. He would put it to the most rev. Prelate himself whether there was not something of haste and precipitation in the course which he had adopted? Whether he had not stood forward unduly and unfitly to make those observations? Whether he was not put forward on this occasion by those who had more guile and entertained deeper designs than himself, in order that his expressed opinions might produce some effect on that and on the other House of Parliament, in order that they might produce some effect on the decision which was to be come to in another place? Considering this as a measure of peace and quiet—considering this as a measure for the relief of persons complaining of a serious grievance—[*Laughter.*] Noble Lords might laugh; but this was a question of grave and serious importance. Considering the measure referred to as a measure of peace and concord—considering it as a measure for the relief of a portion of his Majesty's subjects—considering it as a measure intended to put an end to a state of things admitted by the most rev. Prelate himself to be inconvenient, and which, therefore, ought to be put an end to—for the most rev. Prelate did not deny that he would give his consent to a satisfactory measure for effecting an alteration in the mode of collecting and assessing Church-rates,—considering all this, he did think that it would have been more fitting, more proper, more decent, and more wise, if the most rev. Prelate had waited for the regular time and period for the discussion of the question, and not have pronounced with such precipitate haste his intentions with respect to the measure. The most rev. Prelate had been, for a considerable time, in possession of the whole of the details of the plan; and if he had formed in his own mind an objection to its general principle, or to its details, sufficient opportunities would occur for him to state that objection at length: but certainly the present occasion was not the proper one for entering on the subject. Considering the importance of this measure—considering the object and intention of it—surely it would have been more fitting and becoming if the most rev. Prelate had adopted the customary course, and reserved his observations till the proper time came to discuss the question. The most rev. Prelate had stated that there was a deep anxiety to preserve the system of Church-rates, throughout a great part of this country—that the abolition of those rates was in a high degree unpopular—that the people of England were attached to their Churches, and were fearful of seeing them fall into ruin and decay. He believed that the people did participate in those feelings. But the question was whether the proposed measure was described fairly to the people? Whether there was not a misrepresentation of the measure? Whether they had not been deceived with respect to what was meant to be done on this subject? The people were told, no doubt, that the Church-rates were to be abolished, but they were not told that a fund was to be provided in lieu of them. If they had been told that such a fund would be provided, and that they would be relieved from the payment of rates, he would ask, whether it was to be supposed, in reason or common sense, that the people would entertain any objection to such a plan? He felt certain, if the measure had been properly explained to them, that it would have been next to impossible for them to have expressed any objection to it. In his opinion the measure, if properly carried out, would be satisfactory to all the interests concerned; and it was equally important to all, that the question should be finally arranged and settled. It was not intended to produce any collateral effect—it was not introduced to satisfy the claims of any particular body of men, or to assist any party whatever, or to encourage any encroachments on the Church, but to put an end to a state of affairs which was much to be lamented. To put an end to those dissensions on this subject which were acknowledged by right rev. Prelates themselves to be injurious to the Church—a state of things which there was not one right rev. Prelate on the bench could deny to be at this moment both scandalous and inconvenient—a state of things which, if not now checked, would evidently be extended and carried much further than it was at present, and to which there could be no conclusion other than the adoption of some measure similar to that which would hereafter be laid before their Lordships. With respect to the plan proposed he had never heard but that Church lands by better management, and by doing away with the system of life tenures, could be rendered far more valuable than they were at present. He had never heard of anything else. He was not prepared at that moment to go through all the calculations on which the measure was founded; but if there was any one point connected with it on which he entertained no doubt whatever, it was on the financial part of it. He was quite convinced that these funds, placed under a better system of management, would be amply sufficient for all the purposes to which they were to be applied. The question, then, came to this—How could they best apply these funds? He admitted that that was the real question to be decided. There might be a doubt as to whether they ought to be applied to the purposes to which his Majesty's ministers intended to apply them, or whether they ought to be applied to supply what were called the spiritual wants of the Church. The objects which his Majesty's Government sought to accomplish by their application of them were freedom from dissension, freedom from disturbance—in a word, religious peace and harmony. To realise christian harmony and Christian tranquillity were the first objects of a Christian Legislature, and therefore ought to be the first objects of a Christian hierarchy. For his own part he thought that in the application of these funds preference ought to be given—although he gave it with reluctance, being as anxious as any of the right rev. Prelates behind him for the augmentation of small livings—to the plan which had been detailed, not by him, but by the most rev. Prelate, to their Lordships. The most rev. Prelate had asked him, whether, if these funds could be got from the improved management of the Church property, they were to be given to any particular sect? To that question he answered distinctly "No." They were to be applied to the general interests of the community—to secure objects which it was most desirable to secure—namely, the peace, tranquillity, concord, and property of the country—which he confessed were great objects with him, whatever they might be with the right rev. Prelates behind him. The most rev. Prelate had made many observations in the course of his speech on the mode of carrying this plan into effect. Now, if this plan were carried into effect, either for the purposes of this measure, or for the augmentation of small livings, it must be carried into effect in the mode proposed by his Majesty's Government. Either the Legislature must leave these funds altogether untouched, or it must seek to improve them in this way, which the right rev. Prelate declares to be derogatory from the Church upon objections which vanished into thin air, if dispassionately and impartially considered. He confessed that he had listened to the right rev. Prelate with great sorrow and with great concern; but he had also listened to him with great respect and great attention. He had been afflicted, greatly afflicted, at finding that his Majesty's Government was to experience the opposition of the right rev. Prelate and of his rev. Brethren behind him. He could, however, assure them firmly, but respectfully, that their opposition would not alter his course. He considered the measure to be just—he considered it to be advantageous to the Church—he considered it to be in every respect beneficial to the community—and, being so, he should most undoubtedly persevere in proposing it to the consideration of Parliament.

The Bishop of *London* said because a body of men speaking the sentiments of the clergy, who are so deeply interested in this question, and the sentiments of the laity, who feel their interests on this subject to be identified with the clergy, come forward and protest mildly but respectfully against this spoliation of the Church, we are denounced with more than ordinary vehemence by the King's Prime Minister; and it is said that we are unmindful of the peace of the community, because we denounce this measure as a sacrilegious act of spoliation. And so when the Prime Minister tells us that a sacrifice is to be made to secure religious peace and harmony, we the Bishops of the Church of England, are not to complain of it, because the only sacrifice to be made is the sacrifice of that Protestant Church of which we are the superior ministers. But I check myself, my Lords, for fear lest I fall into that error of violence of which the noble Viscount has recently been guilty. A vehement and personal attack he did indeed make upon the Primate and the rest of the hierarchy, and if I prosecute further this part of the subject I might fall into his error. I shall therefore call the attention of your Lordships to two or three points, which are in themselves an abundant refutation of the subtlety and sophistry—for I must call the noble Viscount's speech most subtle and most sophistical — displayed by the noble Viscount in the course of his vituperation of my most rev. Friend. The noble Viscount says, that the present state of things is most scandalous — that the present dissentions of the community are scandalous. I admit that the state of things is scandalous—but to whom is it scandalous? Not to the Church, but to the small body of persons who now call upon you to relieve them from a burden which does not press heavily upon them, and under which they have inherited their property, well knowing all its liabilities. Peace! produce peace! Does not the noble Viscount know that this measure never can produce peace? Is he so blind to the experience of the past as not to see that peace will never follow concession made so absolutely at the expense of one party alone? Measure after measure have we passed to conciliate Ireland, and always under the promise that they would remove contention and promote peace; and have they not all been made the substrata for further agitation? Have we not, I would ask your Lordships, the confession of those who are most prominent in promoting the abolition of Church-rates—is it not their boast and triumph that this measure is only valuable to them as a first instalment? Has not an influential member of their body, at a large public meeting of Protestant Dissenters held in this metropolis, said—"Only one step at a time—let us not meddle with other matters, for at present they are not relevant." "Not relevant," said a Dissenting minister from Scotland—"what do you mean? Does not this measure lead to the abolition of tithe as a necessary consequence?" The reply to this question was—"Be prudent: only one step at a time." Can we, then, either talk or think of peace as a result of this measure of sacrilegious spoliation? The noble Viscount says, that he will not believe that my most rev. Friend is acting—nay more, he says that he suspects that my most rev. Friend, in coming forward to protest against this measure, is not acting upon the result of his own unbiassed inquiry, but that he is urged on by the guile and design—I think such were the words—of others to take this step. I will not say that we have not been hastened onwards in our course by something which I will not venture to characterise as I ought, but which I will venture to call not fair to some of the rev. Members of this Bench. I ask the noble Viscount whether this subject has or has not occupied the attention of the Commissioners of Ecclesiastical Inquiry? Does not the commission under which we act confide to us, as a fit subject for our inquiry, all the property of the Episcopal Bench, and for what end? To see whether we cannot make it more efficient in supplying the spiritual wants of the community. Do you suppose, my Lords, that having this subject of enquiry confided to us, we never took into our consideration the possible improvement of the Church property by the application of some such measure as this? We state distinctly in our last Report, that so far as related to the management of Episcopal property, this measure has been considered by us, and rejected as inexpedient. Some reasons are assigned by us for that conclusion, and some further reasons remain behind, especially of a financial nature, calculated to show that this scheme, as a fiscal scheme, is without any solid foundation; that the calculations on which it rests are erroneous; and that it cannot stand the test of the slightest investigation. I cannot at present state, for reasons which your Lordships will appreciate, how it came to pass that we took no further steps in consideration of that measure; but this I can state, that it was unanimously resolved by the members of the Commission—and your Lordships will recollect who the Members of that Commission are—that this scheme of improvement was impracticable and inexpedient. I assert, my Lords, that it was unanimously resolved by the Commissioners of Ecclesiastical Inquiry that it was impracticable and inexpedient. The proposition to alter the tenure of Church property—to submit to Parliament—

Viscount *Melbourne:* I beg leave distinctly to assert that there was no such unanimous resolution on the part of the Commissioners. For my own part I always asserted it to be my opinion that the scheme was both expedient and practicable.

The Bishop of *London:* I may have been mistaken as to the opinion of the noble Viscount: but this I know, that other Ministers of the Crown, who were more frequent in their attendance on the Commission, and who paid more attention to the subject-matter of inquiry by the Commissioners, were of a contrary opinion to that expressed by the noble Lords. I am sorry to have been forced to make this disclosure, but so the fact is. My most rev. Friend, the Primate, asked your Lordships, and he asked you with great force, "Is it just, is it expedient, is it politic, to the Church and to the people of England, that a measure deemed inexpedient by the Commissioners of Ecclesiastical Inquiry, when it was proposed with a view of making a better provision for the spiritual wants of the Church, should be deemed expedient when it was proposed with a view of relieving a body of men who have no equitable claim whatever to relief?" My Lords, I can assure you that I should not have troubled you with any remarks on this subject, had it not been for the appeal which the noble Viscount made to the hierarchy as ministers of peace—ministers of peace, said he, banded together to prevent the passing of a measure of peace. I deny most emphatically, on the part of myself and my rev. Brethren, that any part of our public conduct has rendered us justly liable to such a charge. In resisting this invasion on the rights of the Church, we are doing more to promote the interest, the peace, and the tranquillity of the country than we should be doing were we to give our assent to this act of spoliation. I am not now speaking on behalf of the clergy—they are the last objects at present of my consideration — but I am speaking on behalf of the poorer classes of the community. There are at present 2,000,000 of our poorer fellow countrymen totally destitute of the means of religious instruction. To what source but this can we apply for funds to supply their spiritual wants? "Oh! then," says the noble Lord, "you agree to the principle, though you deny the application, of this measure." I reply at once, that I should like the principle better if it left these funds open for some better provision for the more effectual pastoral superintendence over the spiritual wants of the millions. Under the measure proposed by his Majesty's Government all hope of making such provision for them will be destroyed, and we shall be thrown eventually on the voluntary principle, and of that voluntary principle I will only say, that if it have succeeded at all in this country it has mainly succeeded because there has been an Established Church maintained within it.

Earl *Fitzwilliam* observed, that one of the objections which the right rev. Prelate who had just sat down had urged against this measure was, that as a financial measure it would eminently fail. If this were so he would ask leave to call to the recollection of the right rev. Prelate the close of his speech, in which he stated, that if this scheme were carried into effect, every hope would be cut off of providing for the spiritual wants of the millions out of the improved funds of the Church itself. He really could not help thinking, that the right rev. Prelate's objection to this scheme, if thoroughly sifted, would turn out to be an objection, not so much to the application of these funds to the objects to which it was now proposed to apply them, as to the State dealing at all with Ecclesiastical property. He would not enter into any discussion on this question at present, as he deemed it irregular—he would only say, that it was his most anxious desire not to run the risk of leaving the people of England without the means of spiritual instruction, and without those means which had more immediate reference to the maintenance of the various churches in the country. If he were to express any doubt respecting the propriety of this measure, the doubt which he should express would be this—that the measure, so far from separating the Church from the State, was objectionable for disconnecting the Church from the parish. He confessed that he did not in any great degree object to the applica-cation of any surplus which might arise from the improvement of Church property to any other Ecclesiastical purposes than those to which that property was at present applied; but he doubted whether it were expedient to disconnect the maintenance of the Church from those local and parochial communities with which the Church was at present connected. If he should hereafter, upon further consideration of the details of this measure, with which their Lordships were not yet regularly acquainted, see reason to object to this plan, it would not be because it separated the Church from the State, but because it had a tendency to separate the parish from the Church. That appeared to him to be the point of the Bill on which the greatest doubt ought to be entertained: for, in all these local establishments, it was important that the local communities should feel the necessity of maintaining them for their own spiritual instruction.

Petitions laid on the table.

HOUSE OF COMMONS,

Thursday, *March* 9, 1837.

MINUTES.] Petitions presented. By Mr. SHARMAN CRAWFORD, and other Hon. MEMBERS, from Phillipstown, and various other places, for Municipal Corporations (Ireland); and for the Abolition of Tithes (Ireland); from Dundalk, for Poor-laws (Ireland); from Enigh, Treugh, and Dungannon, for the Amendment of the Law of Landlord and Tenant.—By Colonel WESTENRA, from Bangher and Lusmagh, for Municipal Corporations Bill, Abolition of Tithes (Ireland).—By Mr. THORNLEY, Mr. WILSON PATTEN, Mr. POULETT THOMSON, from Carlisle, Manchester, Godly, Chorly, and Burnley, for Repeal of Duty on Cotton Wool.—By Mr. S. CRAWFORD and Mr. GROTE, from Ballycommon and other places, for Vote by Ballot.—By the ATTORNEY-GENERAL, Mr. GROTE, and Mr. BRAMSTON, from Edinburgh, London, and Romford, for Reduction of Duty on Fire Insurances.—By Lord JAMES STUART, from Irvine, for the Repeal of Duty on Soap.—By Mr. Sergeant WILDE, from Ackworth, for Extension of the Elective Franchise.—By the ATTORNEY-GENERAL, from Edinburgh, for a Law relating to the construction of Merchant Vessels.—By Sir WILLIAM FOLKES, and other Hon. MEMBERS, from Totness, and various other places, for Amendment of Poor-law Act.—By the ATTORNEY-GENERAL, from Auchtermuchty, for the Small Debts (Scotland) Bill, and from Inverary, for an Alteration of the Bill; from the Society of Solicitors in the Supreme Court of Scotland, for the Repeal of Duty on Attorneys' Certificates.—By Captain WEMYSS, from Leslie, complaining of the Creation of Fictitious Votes, and from Ayr, for revision of the mode of licensing Innkeepers.

FALSE SUBSCRIPTIONS FOR RAILWAYS.] Mr. *T. Duncombe* had a Petition to present from Benjamin Weaver, to which he hoped he should be allowed to call the attention of the House. It related to the subscription list delivered into that House by the promoters of the Westminster-bridge and Greenwich railway, and the petitioner complained that a number of individuals had signed that list who had no interest in the undertaking. This was a species of fraud which was daily increasing, and which demanded the serious consideration of the House; for unless some strong remedy was applied to check its further progress, it could not fail to be productive of the most disastrous consequences to those who were induced from an apparently respectable and well-subscribed list to embark their capital in railroad speculations. The petitioner stated, that several names appeared in the subscription list of the Westminster-bridge and Greenwich railway, whose united subscriptions amounted to 30,500*l.*, and yet every one of those individuals was actually a pauper. A person of the name of Spencer stated, that he had signed the list for the sum of 10*s.*, and his name was put down for 1,700*l.*, while the fact was, that he neither was nor ever had been a shareholder, and had no interest, direct or indirect, in the undertaking. This was not only a gross fraud upon the House, but it was a gross fraud also on the public, who were liable to suffer severely from the continuance of the system.

Petition to be printed.

CREATING FICTITIOUS VOTES.] Sir *R. Simeon* presented a petition from the Isle of Wight, relating to the manufacture of fictitious votes in that island. This evil was one of growing importance, and called for the immediate attention of the House, as, unless a stop was put to the practice of manufacturing votes for party purposes, the legitimate electors would be deprived of the rights which had lately been conferred upon them. If the system of which the petitioners complained was not against the letter of the law, it was at least against its spirit, and contrary to the constitutional rights of the electors. The petitioners threw themselves for protection on that House, and he (Sir R. Simeon) hoped they would not deny them the protection which they claimed. The hon. Baronet concluded by moving that the petition be read.

Petition read as follows :—

"That your Petitioner, William Butt, objected to the names of several persons inserted in the Lists of Voters for the County of the Isle of Wight, at the late registration in 1836, and that both your petitioners attended the Revising Barristers' Court for the purpose of supporting such objections.

"That at the sitting of the Court, it was proved, principally by the evidence of John Fleming, Esquire, Member of your honourable House for the south division of the county of Hants, and of James Parsons, steward of the said John Fleming, that the said John Fleming had given to each of the above-named persons, who neither reside in the Isle of Wight, nor have any connexion with that county, a freehold interest for life, to the amount of ten pounds a-year, and upwards, in land and houses in the Isle of Wight, for the sole purpose of conferring votes, and without having received any valuable consideration for such gift, as was openly admitted by the said John Fleming.

"That it further appeared in evidence, that the said John Fleming had also made many other votes by gifts of forty shilling freeholds, and that, in making votes, he had given away property worth about 250*l*. a-year.

"That it also appeared, by the evidence of the said James Parsons, that nearly all the deeds creating these different votes, were and had been from the execution thereof in the possession of him the said steward of the said John Fleming.

"That such a practice must necessarily lead to a general system of manufacturing votes, and open the door to wholesale bribery and corruption.

"Your petitioners, therefore, humbly suggest to your honourable House, that, in order in some measure to prevent the mischief threatened by this practice, residence should be made necessary to a county, as it already is to a borough qualification.

"Your petitioners humbly pray your honourable House to take such measures as to your wisdom shall seem meet, for preventing the growth of an evil which, if not checked, will speedily destroy the honesty and independence of the county constituency."

Mr. *Fleming* said, that he was perfectly ready to afford every explanation, and perfectly willing to submit to any investigation, should a Committee be appointed to inquire into the grounds of complaint brought forward by the petitioners. He, however, would protest against the authority of that House, or against the authority of any other assembly, or of any individual, to question his right to dispose of his property as he pleased. He would refer the House to the revising barristers, whose court, he conceived, was the proper tribunal for investigating such complaints. If hon. Members would refer to the evidence taken before the revising barristers, they would find that it had been proved to the satisfaction of the court, and to the satisfaction also of the petitioners, that the transactions now complained of were *bonâ fide* conveyances of property. The property was totally alienated from him, and totally removed from his control, and he could not think that the petitioners had acted wisely or justly in adopting the course they had done. Having stated the facts of the case, and expressed his readiness to meet any investigation which the House might institute, he would not trespass longer on the time of the House.

Petition to be printed.

Inclosure Bills—Public Recreation.] Mr. *Hume* begged permission of the House to bring forward a motion, of which he had given notice, but which was last in the list. He did not think it would occasion any lengthened discussion. The motion was, a resolution which he hoped the House would adopt to the following effect. "That in all Inclosure Bills provision be made for leaving an open space sufficient for the purposes of exercise and recreation of the neighbouring population ; provided, that in any case where the Committee on the Bill do not make such provision, they be required specially to report to the House their reasons for not complying with the orders of the House." No person can travel through the country without regretting that encroaching system of inclosures to which we are all witnesses. It is most desirable that some provision of the kind should be made for the recreation and amusement of the people in all cases, except where there shall appear to the Committee some extraordinary circumstances to warrant a contrary course.

Sir *Robert Peel* was not certain whether the form which the hon. Member had chosen was the best for effecting his object.

In that object, however, he fully concurred. The subject was similar to that which had been more than once urged on the attention of the Legislature, and to which he regretted the Legislature had not paid the attention it deserved. It was most desirable that the neighbourhood of manufacturing towns, and indeed of all towns, should have some place where the population might find the means of innocent recreation. Such an arrangement would have a most beneficial effect, not alone on their health, but also on their morals, by gradually withdrawing them from scenes where their time was likely to be much less innocently employed. He was sure that such an effort on the part of the local authorities would insure to them the lasting gratitude of the working population. It would be gratifying too to witness the people employed in innocent recreation. He would not, however have the means of such innocent amusement confined to the population of large towns and their vicinity. He would have similar means extended to the rural population, whom it was pleasing to see engaged in athletic and manly exercises. There was no question, that though the people might have no legal claim to portions of waste land or common being thus set apart for their recreation, they had a moral right, and in the consideration of every future enclosure bill he hoped their interests would not be lost sight of. He would not then stop to go into the wording of the resolution, as he most fully assented to the principle; and even where the occurrence of an enclosure did not present itself in the neighbourhood of large towns, the means to form places of recreation should be provided by a rate among the inhabitants, to which perhaps the Government would not be indisposed to lend its aid. It would be a most wise and prudent expenditure of the public money. For instance, no person objected to the improvements that had been made in our parks in and near the metropolis, and no one grudged the money expended in that way; but he feared that we were too much disposed to confine ourselves to the metropolis in these improvements, and too apt to forget the wants of the manufacturing and other towns, all of which required places of recreation as much as the metropolis. He would not object to grants of from 5,000*l.* to 10,000*l.* in cases where the local authorities of large towns might raise the like sum, or even the half, for the purposes he had stated. He repeated that it would be a most wise, because a most useful, expenditure of the public money.

Mr. *Brotherton* expressed his cordial concurrence in the motion, and rejoiced that the powerful aid and co-operation of the right hon. Baronet who had just addressed the House were likely to carry the plan into effect. The subject had been too long neglected by Parliament, but it was now likely at length to be carried out to its useful object.

Mr. *Hardy* said, that all would agree in the principle of the proposition, that some places of recreation and amusement should be provided for the working population of large towns, and also for the inhabitants of rural districts; but he thought that a distinction should be made between inclosures of commons and what were called waste lands. Commons, not waste lands, were very often private property and if a part of them were reserved for public purposes some compensation should be made to those who had heretofore cultivated them.

Motion, with some verbal amendments, agreed to.

Mercantile Marine.] Mr. *Buckingham* said, in rising to call the attention of the House to the subject of which I have given notice, and to submit to their judgment the motion which I shall take the liberty to place in your hands, "for leave to bring in a Bill for the establishment of a Marine Board, and for the better regulation of the Merchant Shipping of the Kingdom," I have to ask the indulgence of the House, while I place before them the facts and arguments on which I shall presume to ask their acquiescence in granting leave to introduce the Bill proposed. The subject of the shipping interest has been so often before the House in various shapes, that it is unnecessary to speak of its importance, even were the question one which affected the shipping interest alone. But, in addition to the mere interest of the ship-owner, there is that of the nation at large, which is deeply injured by the annual loss of life and property at sea, which it is my object and my hope to see diminished. We have, indeed, a valuable recognition, in his Majesty's Speech delivered from the Throne at the opening of the last Session, of the claims of the maritime commerce of the country to protection, from the funds of the nation at large; and this royal declaration was made the chief ground for the Ministers asking the House to vote the additional sums required in the navy estimates for equipping several additional ships of war. In the inquiry into the administration of our Light-houses — in the revision of our Pilot Establishments—in the formation of the Board of Longitude, and in the organization of the Trinity-house—we recognise and act upon the sound principle of giving legislative protection to our merchant shipping: and not trusting merely to their self-interest to secure the means of protecting themselves. But, if it be our duty to protect the maritime commerce of this country from capture by enemies or pirates, through the presence in different quarters of the globe of our ships of war—if it be our duty to establish light-houses to warn them against the hidden dangers of the coasts —to form a Board of Longitude for the correction of the nautical ephemeries, the improvement of the chronometer, and the correction of charts, to save the ship-master from the perils of an inaccurate reckoning—and to have a Trinity Board for the regulation of those admirable bodies of pilots who, in every port, are found ready to take charge of ships and guide them through the most intricate channels to harbours of safety—if all these be fairly and legitimately within the province and under the control of the Legislature, and are productive of good effects, then is it also the duty, as it can be shewn to be the interest, of the nation, to save this mass of maritime property, as well as the lives that are sent to guard it on the seas, from a destruction more powerful and more extensive than that occasioned by the fleets of the enemy or the hidden rocks and shoals of their own shores :—a destruction occasioned by defective building in the first instance, defective equipment in the next, and, above all, by defective management, against each of which evils, it is within the power of the Legislature easily to provide; and, if I shall succeed in proving to the House that they have the power, I will not, for a moment, doubt their readiness to exercise it for that purpose. The House is aware, that in the last Session of Parliament, a Select Committee was appointed to inquire into the causes of the increased number of shipwrecks, with a view to ascertain whether such improvements might not be made in the construction, equipment, and navigation of merchant vessels, as would greatly diminish the annual loss of life and property at sea. That Committee, composed almost entirely of nautical and professional men, with some of the representatives of the principal seaports of the kingdom, did me the honour to elect me their chairman, and having thus had the advantage of presiding over their proceedings, and hearing all the evidence produced, I was intrusted with the duty of drawing up the Report, founded on the evidence; which Report, as it is now placed on the table of the House, received the unanimous assent of the Members of the Committee. The foundation, therefore, was carefully and deliberately laid; and, as the facts which I shall adduce in support of the measure that I propose to introduce, will be drawn from the volume of evidence accompanying that Report, it will be in the power of hon. Members to verify those facts for themselves. It appears, from the best authorities, that the number of merchant vessels registered as belonging to Great Britain and her colonies, carry in the whole to about 2,500,000 tons. The property alone contained in these vessels, including ships and cargoes, cannot be less, at the very lowest estimate, than fifty millions sterling—reckoning the empty ships only at 10*l.* a ton—and supposing half of them to be laden, estimating the value of those cargoes at the same rate per ton. But besides this vast extent of property risked upon the seas, there are from 150,000 to 180,000 seamen whose lives are perilled on the ocean :—and for the preservation of both of these, the Legislature is bound to adopt whatever course may be shewn to be just, practicable, and efficient. It might have been supposed, indeed, that in a country like England, whose maritime superiority has been the national ambition and the national boast, and where the false protection of the restrictive and prohibitory system was so long held out to the shipping interest as a privilege and reward, every possible precaution would have been taken to secure vessels from loss, by guarantees for their solid construction, competent equipment, and efficient navigation. Yet, while we legislate for the size of coaches, waggons, and omnibuses, even to the breadth of their wheels, and strictly prohibit their carrying any more goods or people than they are licensed to convey—on the humane principle of guarding the lives and property of his Majesty's subjects by land—we leave the more perilous element of the sea open to do its worst, and to engulph in its yawning wave as many ships and seamen as may tempt its dangers, without appearing to do more than lament the catastrophes when they are reported to us, and without taking the slightest pains to prevent their recurrence. Hence it happens, that notwithstanding the great improvement which has taken place within the last half-century, in the safety of every other occupation or pursuit, the provisions for the safety of ships at sea have been wholly neglected, and shipwrecks instead of diminishing, as our improved science and improved experience might have reasonably led us to expect, have been gradually and steadily on the increase. From the year 1793 to 1829, a period of thirty-six years, and when our fleets were covering every sea—the average loss of vessels throughout the whole of that period, was 557 in the year. In 1829, the losses are thus recorded in the books of Lloyd's Coffee-house, from whence the former average was ascertained:—"On foreign voyages, 157 wrecked; 284 driven on shore, of which 224 are known to have been got off, some with more and some with less damage; 21 foundered or sunk; 1 run down; 35 abandoned at sea, 8 of which were afterwards carried into port; 12 condemned as unseaworthy; 8 upset, one of them righted; 27 missing, one of them a packet, no doubt foundered." Here is a number of 545 casualties in the ships employed on foreign voyages alone, an amount nearly equal to the whole average annual loss from 1793 to 1829;—but when we come to add the loss in the home trade to this, its amount will be largely increased. It appears, by the same authority to be thus:—"Colliers and coasters, 109 wrecked, 297 driven on shore, of which 121 are known to have been got off, and probably more; 67 foundered or sunk, 4 of them raised; 6 run down; 13 abandoned, 5 of them afterwards brought into port; 3 upset, 2 of them righted; 16 missing, no doubt foundered. During the same year, 4 steam vessels were wrecked; 4 driven on shore but got off, and 4 sunk." Here is nearly an equal number of 523 casualties in the home trade; making together upwards of a thousand vessels lost, or damaged, in the course of a single year; and as many of these were laden with valuable cargoes, and some perished altogether, so that none were even left to tell the causes of their loss—the immense amount of life and property thus sacrificed to the deep, may well excite our sympathy as well as our surprise. But, moreover, many vessels are lost every year in distant parts of the globe, or founder at sea, of which the public at large hear nothing, but which, if the particulars could be given, would greatly swell the whole amount. And yet this evil has gone on every year increasing instead of diminishing. In two months only of 1833, no less than 100,000 tons of British shipping were lost, which, calculating the value at only 10*l.* a ton, would make a million sterling of property in the ships alone, without including their cargoes, and reckoning the seamen at only four for every hundred tons, here were the lives of 4,000 men put in peril, and one-fourth of them probably were drowned. The recent loss of several of the transport ships laden with emigrants must be fresh in the recollection of the House, and if each individual case excited, as it did at the time of its occurrence, universal sympathy and compassion, what must the aggregate amount of all these horrors be, when brought into one general point of view. Since 1833, the losses have increased greatly. It appears that of ships belonging to the river Tyne alone, there were lost at sea, between February 1832 and April 1834, according to the published lists, no less than 143 vessels, measuring 30,788 tons, or more than one-seventh of the whole of the ships and tonnage of the port; and that no less than 35 of the crews of these vessels perished,—exceeding at the lowest calculation 200 men. From April 1834, to the end of 1835, there had been 89 vessels lost and abandoned, making altogether a number of 232 ships from one single port in forty seven months, or less than four years; and during all this period not a single vessel had so run out her career as to be broken up from being unseaworthy, of which it is alleged that traces can only be found of about five vessels so disposed of at that port in the long space of seventy years. All that are built appear to be run on till they are wrecked or founder? On the 31st of December, 1835, there were belonging to the port of Shields, about 1,800 men and boys who were members of the Loyal Standard Association there; and during the last three years no less than 264 of these, had to claim assistance from this Association for the loss of their effects, by the shipwreck of the vessels in which they sailed, while 69 Members had been drowned, and their wives and children became claimants on the funds. Another communication, of more recent date, from the same quarter, says, that within the last four years there had been lost by wreck, foundering, and otherwise, 250 sail out of 1,000 belonging to the port, or one-fourth of the whole number: and while the books of the Seaman's Society showed the deaths of their members to be, upon the average of the last ten years, only 166 from sickness, accidents, and old age, aggravated by exposure, fatigue, and the ravages of the cholera all put together; the number of those who were drowned by shipwrecks during the same period amounted to 110 annually: being nearly three-fourths of the number of all the deaths arising from every other cause. By a statement of the ships publicly reported on Lloyd's List as 'not since heard of,' or 'supposed to be lost,' from the 1st of January, 1833, to the 1st of May, 1834." it appears, that, independently of all the losses by ship-wreck that are well ascertained and reported with such painful frequency in the public prints, there are no less than 95 vessels of various sizes reported as "missing," and "supposed to be lost,' and "not since heard of," in the short period of 16 months from the Port of London alone, the greater number if not the whole of these vessels having probably foundered or sunk at sea, with the loss of every creature on board; and calculating the property of ship and cargo in each to be, on the average, worth 10,000*l.*, and the crews and passengers to average sixteen persons to each vessel, here would be, from this single cause alone, a loss of nearly a million sterling in property, and upwards of fifteen hundred lives. And the general result of the evidence taken before the Committee shews, that on the average there is lost every year to the British nation, the immense sum of three millions sterling in property, and at least a thousand lives in brave and valuable seamen. I think the House will agree with me that it is high time to look into the causes of this, so that, by rightly understanding these, we may apply ourselves to the discovery and application of the proper remedies without delay. To these, therefore I will now venture to draw the attention of the House. The proximate causes resolve themselves into three principal ones—imperfect construction of the ships, insufficiency of their equipment, and incompetency in their management at sea. But the remote causes lie deeper than the surface; and it is necessary to expose these by showing what it is that leads men to build bad ships instead of good ones; to send them to sea unprovided with requisites; and to place in command of them incompetent officers. The remote cause of all, or, at least, that which has by far the greatest share in the production of all the others, is the influence of Marine Insurance; and to the abuses engendered by this system, are to be clearly traced nearly all the defects of our present maritime system. This practice is, no doubt, of very ancient date, as far as the principle of wagers or games of risk and chance are concerned; but Marine Insurance especially appears to have had its first statutory recognition in the reign of Elizabeth; and in the 43rd year of that reign, chap. 12, an Act was passed, of which the following preamble sufficiently shews the view then taken of Marine Insurance. The preamble says, "By means of policies of insurance it cometh to pass, upon the loss or perishing of any ship, there followeth not the undoing of any man, but the loss lighteth rather easily upon many than heavily upon few; and rather upon them that adventure not, than those that do adventure; whereby all merchants, especially of the younger sort, are allured to venture more willingly and more freely." The very words of the preamble shew, that even then it was contemplated to put the loss on other shoulders than those of the ship-owners and merchants, on whom it did not fall even lightly, since they escaped altogether, and the younger merchants were naturally allured to venture deeper than they otherwise could have done without such a system; but though they escaped the "undoing of any man," (of which the preamble speaks) the loss of life was sustained by those who perished, and the loss of property was sustained by the whole community. In consequence of this system of shifting the losses from those who did adventure to the shoulders of them who did not, a new class of persons sprung up, who were neither merchants nor ship-owners, but insurers of property for both, called generally underwriters. It would not take long for these gentlemen to discover, that in proportion as ships were frequently lost, would there be a disposition in merchants and shipowners to pay high premiums for insuring their safety; and as high premiums would yield more profit than low ones, the more the proportion of shipwrecks increased, the more the premiums would be advanced, and the better it would be for their business; while, on the other hand, every thing that could tend to make ships more safe, and to reduce the number lost, would have the effect of lowering premiums and diminishing their profits; until, if these improvements were carried to such a state of perfection as to make shipwrecks rare instead of frequent, their pursuit would soon become unprofitable. The underwriters at Lloyd's having become, in the course of years, a numerous and powerful body, and being strong enough to disregard the opinions of the shipowners, availed themselves of the first fitting opportunity of so doing. Previous to the year 1798, the mode of classifying the merchant ships for the purposes of insurance, was to take into consideration all the circumstances connected with each separate vessel, her age, place of building, manner of construction, materials, and equipment; and to assign to each her proper rank as to comparative safety; and the Shipowner's Registry Book was kept on this principle. As this plain and rational way of proceeding did not satisfy the underwriters, they compiled another volume, called the Underwriter's Book, in which they regarded only one of all these elements, namely the age of the ship, as at all important. This is so clearly and so forcibly explained by the shipowners themselves. [The hon. Member quoted a passage from their Register Book, dated April, 1799.] The merchant, finding that he could get his goods insured at the lowest premium in the newest ships, always gave the preference to the vessel most recently from the stocks; and when his insurance was effected, as this is generally done, up to the full value, he became utterly indifferent as to whether the vessel arrived safely or not: since he would be reimbursed in the event of her loss. The shipbuilder, finding that new ships were more in demand than good ones, and that weak ships were preferred to strong ones, because they were cheaper and would not last so long as even to become old, constructed his vessels in the slightest way in which they would hold together and look decently when afloat; because all he wanted was a ready sale, and the cheaper his ship, the faster she was sure to go off his hands, and give him the means of laying down the keel of a new one. The shipowner, too, finding that if his vessel continued beyond the term prescribed for the first class, or A 1, she immediately became ineligible for good freights, took care to buy the cheapest vessel he could find; and, insuring her to the full value, was just as indifferent as the merchant as to whether she lasted the full term or not, because he was safe by being insured, whatever became of the cargo or the crew. Such a combination of powerful motives and interests as these being in daily operation, led at length to the entire extinction of all competition as to who should build the strongest and best ships for the merchant service. It must be clear, then, that the system of Marine Insurance has been one powerful cause of the deterioration of our merchant shipping, and the consequently increased frequency of shipwrecks; and if anything more could be necessary to prove this fact, it would be found in the exemption from this deterioration, by which the ships of the navy, and of the East India Company are marked. Neither of these ever come within the influence of the system of insurance; and consequently their construction has been constantly improving in strength and safety, while that of all other vessels has been retrograding. Thus, while in 1833, more than 800 merchant ships were known to be lost, besides many others, no doubt, not reported,—while the Amphitrite was wrecked on the coast of France, and 100 human beings drowned; and no less than eighteen ships perished in the spring of 1834, with emigrants to Quebec, by which 700 persons lost their lives; while the coasters on our own shores, and the steamers to and from our own ports were also consigning their crews and passengers to destruction in the deep, not a single ship of war was lost. Here, then, is at once a solution of the principal cause of the evil to which I am anxious to call the attention of the House; and since, whoever gains by such a system, the nation must be a loser, I ask, whether it is not the duty of the Legislature to interfere. The underwriter may make a handsome fortune by the excess of his premiums over his risks. The shipowner may reimburse himself, by having a vessel that will run a few years, and then when she is lost, getting a new one for his insurance, to replace the one that has sunk. The merchant may benefit by insuring his goods at a high rate, and getting his profits even if they are lost, with new orders to supply the markets to which they never reached—and the manufacturer may benefit by the consumption of the goods sent to the bottom of the sea, and the necessity for new shipments to supply their place. But as all these compensations are obtained by increased charges on the general business transacted by them all, the public have to pay the cost, indirectly in various shapes by increased prices, on the commodities, as well as new taxes or duties on the articles required to supply the place of those lost, and thus the nation is injured by the sacrifice of three millions worth of property engulphed in the waves, and a thousand lives swallowed up annually in the ocean; while the widows and orphans of the victims who have perished, become chargeable on the public and private charities of the country, in a thousand different ways. I come now to a second cause, which is this: the frequent incompetency of the persons placed in charge of such vessels as officers and commanders. And here, too, the contrast between the navy and the merchant service is striking. In the navy, an examination takes place of every midshipman who is to pass as a lieutenant, and of every master, on whom the principal responsibility of the navigation rests, before he is appointed to a ship. In the East-India Company's service also, the sworn officers, to the number of four in each of their vessels, were strictly examined in navigation and seamanship, without a thorough knowledge of both of which, they were never intrusted with a charge. With the French, the Dutch, the Danes, the Swedes, and even with the Russians, a rigid examination takes place into the qualifications of persons about to be appointed to the command of merchant vessels, and the result is, that much fewer of all these are lost out of any given number, in consequence of the better construction and more competent management of the ships. But in the general merchant service of England, no provision whatever is taken to secure competent officers or competent commanders; and thus, while we provide that no man shall practise medicine or surgery who does not prove himself qualified by a public examination, lest a few of his Majesty's subjects should suffer by his ignorance, we take no pains to secure the possession of proper qualifications in those to whose charge, millions of property and thousands of lives are consigned, and a large portion of each only to perish. Not to weary the House with too many instances, let me mention only one. In the last year only, there was a vessel of 279 tons lying in the Thames named the Hedleys, bound from Belfast to Quebec, commanded by a Captain Storey, who was actually not more than fourteen years of age; who was moreover, the very youngest person on board his own ship, and whose apprentices were even older than himself. The probability is, that he was a near relative of the owners, and it was thought the captain's pay and privileges might be as well retained in the family, while an experienced mate might be put into the ship as a sort of viceroy over him; but it must be evident that circumstances might arise to make it of the utmost importance that the commander should have the entire confidence of all the crew; and in a moment of peril, when the greatest skill and experience might be necessary for their safety, how could such a youth as this inspire his men with respect for his judgment or his authority? The instances of disastrous consequences resulting from incompetency, sometimes from ignorance of seamanship, sometimes from ignorance of navigation, sometimes from extreme youth and inexperience, and very often from intoxication and the total absence of all discipline, would fill a long and melancholy catalogue, but on this I will not enlarge. A third cause deserves also to be mentioned, which is, the severe and rigid economy to which all shipowners and shipmasters are obliged to resort from the sharp competition of foreign vessels These vessels procuring cheaper materials for their construction, and having cheaper provisions and stores, can sail and make a profit at extremely low freights. The English shipowner, on the contrary, pays more dearly for nearly all the articles used in building and equipment—not because of their natural price, but because of the heavy duties on them all: he has taxed timber — taxed cordage — taxed canvas—taxed bread—and taxed beef to provide, and therefore he has nothing to spare for any supplies beyond those of the merest necessity: while to talk to him of providing his vessel with all the various improvements for the safety of the ship and crew—as accurate charts, good chronometers, perfect sextants, excellent barometers, patent rudders, solid channels, life-buoys, apparatus for saving men from drowning, or, in short, anything else that costs money, is like asking him to load himself with heavy weights before he sets out on a race of competition with a rival who has nothing whatever to incumber him, and with whom he has great difficulty in keeping pace, even when he has nothing to carry. The English ship-owner will never do this, nor can we fairly expect him to do so, as long as his only object in sending ships to sea is to make them the instruments of increasing his fortune. A fourth cause of the present defective state of our merchant shipping is the inaccurate system or rule of tonnage measurement. The old mode was bad enough—complicated, difficult, and most inaccurate in its results. But the new mode, enforced by an Act passed only a Session or two since, is absolutely worse, because its results are farther off from the truth. In consequence of this utter inadequacy of the rule of measurement last adopted to reach the case, there is still the same temptation as ever to build vessels, not of the best shapes for sailing and stowage, but of the shapes that will best evade their liability to heavy tonnage duties. The law is, in short, a complete premium for the building of ships with large stowage only, without reference to the good qualities required in a safe seaboat: and thus, while the American merchant ships, not subject to such a law, are built of the most graceful and beautiful forms, uniting fast sailing, good stowage, and perfect safety in all weathers—while our ships of war, not subject to any tonnage duties, are of the finest models for strength, speed, and capacity united; our merchant ships are often mere tubs, and if seen ashore look like warehouses intended to be floated, in which bulk of space was the chief consideration in their construction, and safety and speed of navigation the last.

A fifth cause may be enumerated, and this is the last on which I shall venture to touch—which is, the entire absence of all responsibility or accountability to any public authorities when either lives or property are lost at sea in merchant ships. In the navy—if a vessel runs ashore, or founders, or runs foul of another, or receives any material injury in any way, a court of inquiry is instantly ordered on the captain and officers in charge, and they are either acquitted or sentenced to some appropriate punishment as the evidence may warrant. On shore — if a coachman, however unintentionally, upsets a coach, and any lives are lost, a coroner's inquest is held to inquire into the case, and the verdict condemns or acquits the individual accordingly; and in the event of an injury being sustained by a broken limb, and the action is shown to be occasioned by want of skill, an action lies against the unskilful driver or his employers, and compensation is recovered by the injured party—for the loss of his labour and medical expenses till he is restored. But in the English merchant service, ships may be wrecked on the coast, or sink to the bottom at sea, and no public inquiry is made into the causes of either the one or the other. The underwriter pays the merchant, out of the large premiums he has been receiving, and the merchant is satisfied; the ship-owner is reimbursed by having a new ship given him to the full value of the old, and he is satisfied; the manufacturer gets a new order to supply the place of the goods lost, for which he has been guaranteed payment before their shipment, and he is satisfied. The public pay the whole cost of this, as well as the tax on the articles lost, and they, too, from ignorance, it is believed, of their interest in the matter, appear to be satisfied. The poor sailors are gone to the bottom, with all that they possessed, and they will call for no inquiry; while their widows and orphans, to whom their wages would be so acceptable, lose them all, both the husband and parent who toiled for them, and the hard earnings which they would have received if he had arrived in safety, for "freight is the mother of wages" in the jargon of the law, and the poor dependants of the drowned men go without their just due, and they must be satisfied. The House will agree with me then, I think, in saying, that such a state of things demands a remedy; and the Bill which I propose to introduce is intended to give to a great extent the remedy demanded. I should wish much to see a revision of the system of marine insurance; but as I think that should be the subject of a special Act, I will not embody it in the present Bill, and therefore will only advert to it briefly. I believe that the most effectual way of bringing about a change in this system, with the least violence, and the greatest benefit to all existing interests, would be for the Legislature to pass an Act granting all the facilities and advantages that a legislative provision would afford to a class of "Shipowners' Mutual Insurance Societies," of which there might be one at least for every large port in the kingdom, of which the smaller ports could readily avail themselves, and as many as might be thought desirable for London. On the same grounds as the incorporated friendly societies for the mutual benefit of its members, without profit to any individual, have been favoured by the Legislature with exemption from stamp duties in their various transactions, and with power to employ their capital in particularly advantageous modes, all "Mutual Insurance Societies of Shipowners," the characteristic of which would be a provision for mutual security and mutual benefit without profit to any individuals, might be also privileged by such exemptions and such advantages. The result of this would be, that the shipowners of London, and of every other large port, would become, as the nation is for the navy, and as the East India Company always were for their ships, their own insurers. Every one would then have an interest in the strength, safety, and preservation of ships, instead of in their weakness, danger, and loss. Ships would be gradually built of the strongest and best description, as Indiamen and ships of war, of which there are some now afloat of eighty and ninety years old, and be kept also in the same good state of repair; because the fewer the vessels lost, the lower would be the premiums, and every shipowner, being a member of such a mutual insurance society, would be himself the receiver of all the benefits that now go entirely to enrich a class of men who drain a large annual income from the premiums paid to cover losses. I would not, of course, recommend the prohibition of individual insurance; but the incorporation of such societies as these would, by the fair and legitimate operation of their own superior advantages, progressively induce the shipowners of England to disentangle themselves from the net by which they are now surrounded, from the extent and influence of a society, whose ramifications extend over all the world, and which is only to be superseded by some great change like that which I suggest, by substituting mutual insurance for the present system, and encouraging the transition by legislative enactments and exempting privileges, as well as by prohibiting the insurance of any sea risk for more than three-fourths of its actual value. The remedy which the Bill that I seek to introduce will apply, will be the formation of a Marine Board in the port of London, to be charged with the especial duty of superintending the general state and condition of the whole of the mercantile marine of the kingdom and promoting by every means in its power whatever can tend to improve it. But, in addition to the surveys of ships and examination of officers for the purposes before described, it is indispensable that some code of maritime law, and some system of maritime discipline should be composed and legalised, to give it sanction or force. The House will be surprised, no doubt, to learn that England, undoubtedly the first maritime nation in the world, and whose boast has hitherto been "to rule the subject wave," is behind every other maritime country in the world in this respect. During the last year, the attention of the French Government having been called to the propriety of introducing some improvement in their laws and discipline, for the mercantile marine an officer was sent to London to ascertain what was the law and discipline of the merchant ships of England, which were naturally thought by the French Ministers, by whom this officer was sent, to be models of perfection worthy of being imitated. This gentleman, having seen my name associated in the public journals with the progress of the great questions of the abolition of impressment for the navy, and the registration of seamen in the merchant service, addressed himself to me for information on the subject of his enquiries. His astonishment was, however, extreme, when he learnt that though we had so many millions of property, and so many thousand lives afloat in our merchant ships, we had no code of laws and no system of discipline embodied in any shape or form whatever. In France, on the contrary, while they have a perfect system of registration for their naval seamen, by which the necessity of impressment is entirely avoided, and the system of the drafts from which is so efficient, that according to the testimony of one of our gallant admirals, Sir George Cockburn, in his evidence before a Finance Committee of the House of Commons, they can always get their ships of war manned and at sea in a shorter space of time than we could ever effect by our odious and detested press-gangs;—they have had, for more than a century past, an excellent code of laws for the regulation and discipline of the merchant service. The French Ordonnance of 1681, was admitted by Lord Mansfield, Lord Tenterden, and the highest legal authorities, to be one of the best digested, most complete, and perfect body of maritime law that has ever been promulgated. The consequence is, that comparatively very few French vessels are lost, in proportion to the whole number employed. In England, however, all the property and life afloat upon the sea is wholly unprotected by any code of laws or code of discipline: and hence we have accordingly shipwrecks, founderings, mutinies, floggings, putting men in irons, drunkenness, insubordination, and piracies, to such a frightful extent, as to astonish all who look into the catalogue in detail. The Marine Board, to be established by this Bill, will be charged with the drawing up of such a code of laws and rules of discipline, for submission to the Legislature for its sanction; and there are two functions which it may advantageously exercise as a part of its ordinary duty. It would add greatly to the efficiency of the remedies here proposed, if the Government would at the same time give every facility to the formation of Marine Hospitals for the old and infirm, as well as Marine Asylums for the retention, in a state of comfort and sobriety, of the merchant seamen in every port. If a permanent retreat, however, be desirable for the seaman when his day of active service is at an end, and old age unfits him for any thing but repose, some temporary asylum to save him from the horrors of worse than shipwreck, by which he is surrounded the instant he puts his foot on shore, is equally important. Almost from the moment of a seaman landing, either in an English or a foreign port, to the moment of his sailing again, he is so surrounded by temptations of the most vicious kind, and so excited by intoxication, that every day he remains on shore, he is robbed of health, strength, comfort, clothes, and money; and kept in a state of frantic excess or senseless stupidity. The moment a ship arrives in port, a class of man-entrappers of the most depraved description lie in wait to catch the unwary seaman even before he lands; his chest and hammock are taken off to the crimp's lodging-house; women, and music, and drink, are all put in operation to influence his passions, destroy his reason, and make him an easy victim. He has an account run up of ten times the amount he ever consumed. He is pilfered of the money he received for the voyage he has just completed, and his person and clothes are held in pledge till he is sold by these crimps to some captain wanting hands; and then the score is paid off by his entrapper and keeper, taking a portion, or the whole, of the two months' wages that the seaman receives for the voyage on which he is about to enter, while the poor wretch himself is kept a close prisoner on board lest he should desert; and is hardly ever sober until he gets to sea. When it is considered that there are nearly 50,000 men and boys every day in this state of drunkenness and demoralisation—for this is the state of nearly all those engaged in the foreign trade of the country—the coasters being happily free from this detestable system of crimping, it must, I think, strike all hon. Gentlemen who hear me, that it is the duty of the Government to see whether by the establishment of a Marine Asylum in each of the principal sea-port towns, and the presenting strong inducements to resort to them after retiring from a foreign voyage, seamen might be rescued from the misery, and disease, and plunder, to which they are now subject, for the want of some such home as this. There is but one topic more to which I will advert, in the shape of a remedy, but as it is an important one, I trust the House will bear with me for a few moments longer, while I mention it. I believe that the shipping interest is really depressed, and from two main causes; the first—that owing to the system of building ships to last for short periods instead of long ones, there have been more ships built than could find profitable employment; for the old system of classification gave such an unhealthy stimulus to over-production in the number of ships, as to lead to a competition that greatly reduced freights, and left little or no profits. This too led again to the most erroneous conclusions as to our maritime prosperity, which was inferred from the increasing number of our vessels, while this increased number was the great evil to be deplored. The second cause of depression is, that the taxes and expenses in the construction and navigation of our ships, make the burthen literally too heavy to be borne. I would humbly suggest, therefore, the propriety of beginning at once, and proceeding as fast as may be thought safe and practicable, to abate these burthens one by one, if they cannot be taken off altogether and entirely. The duties on timber, cordage, canvas, and all that enters into the building and equipment of ships, might be greatly lessened—the importation of foreign provisions in bread and flour, might be permitted—the tonnage dues for light-houses might be altogether abolished. It is as much a national object to have light-houses, as it is to have observatories or telegraphs, and the national funds should be applied to the support of the whole. The tonnage dues abolished, the whole system of tonnage measurement should be revised, and if no temptation were presented to build ships of bad shapes to avoid this impost, we should soon see the merchant ships of England as graceful and beautiful in their forms as those of America—uniting speed, stowage, and safety in the highest attainable degree; and worthy, which certainly they now are not, of the maritime dignity and reputation of our country. By the system I have endeavoured to expose, we are silently looking on while the nation is literally despoiled of three millions sterling per annum, consigned to destruction in the deep; and while a thousand of our brave and enterprising countrymen are offered up a sacrifice to the shrine of Mammon. We do but mock and blaspheme the name of the God of Mercy, when we invoke him, in our public prayers, " for the safety of those who go down to the sea in ships, and are exposed to the perils of the deep," while we at the same time sanction a system so destructive of human life, and then impute to Providence what our own avarice first engendered, and our own negligence still prolongs. I hope I have said enough to justify my asking the House to accede to the motion which I now beg leave to place in your hands,—" That leave be given to bring in a Bill for the establishment of a Marine Board, and for the better regulation of the Merchant Shipping of the Kingdom."

Mr. *Hume*, in rising to second the motion of his hon. Friend, the Member for Sheffield, begged to say that he was by no means friendly to the interference of the Legislature in commercial matters. It appeared to him, however, that a case had been made out by his hon. Friend which called loudly for Legislation. Whether the evils existed to the extent pointed out by his hon. Friend he was unable to say; but of this fact he was sure, that, for the pains and trouble which his hon. Friend had taken on this subject, the least that was due to him was to give him leave to bring in his Bill. It was a very strange anomaly that for every person who met his death by accident on shore, the law provided that there should be an inquiry before the coroner; but if 500 men perished at sea, unless their bodies were driven on shore, no provision whatever was made for inquiry as to how these lives had been lost. He thought it only just that his hon. Friend should have an opportunity of bringing in his Bill, and they would have a sufficient opportunity in its future stages of considering its details.

Mr. *Poulett Thomson* did not rise, on the part of the Government, to offer any opposition to the bringing in of this Bill. He felt that it was due to the hon. Member for Sheffield, and to the report of the Committee, to allow the Bill to be brought in. He confessed, however, that he should look for the Bill with some curiosity, because, not only from what had fallen from the hon. Member for Sheffield, but from the report of the Committee, he should be inclined to think, that this Bill would enter into a great variety of subjects, and would attempt to legislate upon details which he did not believe susceptible of legislation. The hon. Member for Sheffield had stated, that whilst this country enjoyed so large a portion of the commerce of the world, and so large a proportion of commercial marine, in comparison with other countries, they had not the same protection afforded by the Legislature. Now he would say, that this very fact was rather an argument against too much meddling with the subject by the Legislature; that it was owing to the absence of interference on the part of the Legislature, that this country, which, according to the statement of the hon. Member for Sheffield, was far behind all other countries in legislation on this subject, was advanced far beyond them in the practical results, and in the station which she held comparatively with other countries, with reference to our commercial marine. He thought that the hon. Member for Sheffield had a little destroyed his own argument on this point, because he was only able to quote the instance of France, in which, according to the statement of the hon. Member, an admirable code of laws existed. Now, when he turned to the report of the Committee, he found that it was not the French commercial marine that was brought forward as an example to show their superiority, but the commercial marine of the United States, where, if he (Mr. Thomson) were not misinformed, no regulations of a kind similar to those the hon. Member sought to introduce were actually in force. [Mr. *Buckingham :* They are in force, but not to the same extent.] To what extent, then, were they in force? He would again venture to caution the hon. Member against admitting too many details into this Bill. There might be some points in which the Legislature might advantageously interfere, but he cautioned the hon. Member against going into too many details; and he did so the more, because, from the report of the Committee, as he stated before, he was inclined to believe that this would be the case. He should not follow the hon. Member through all his arguments in favour of the different propositions laid down by him, but when he saw the Bill, he would examine it closely. He must say, at once, that he protested against the doctrine laid down by the hon. Gentleman with reference to insurances. Did the hon. Member think that marine insurance was a feature in our commercial system, of which we ought to endeavour to get rid? Were any one to ask him such a question, he should say at once, that he thought it one of the greatest improvements in modern times, and of the very highest importance in commercial affairs. In his opinion, the practice of insuring vessels, so far from making shipowners careless with respect to them, had a contrary effect, and for this reason—that if it could be proved that they were not seaworthy, or insufficiently found, the owners could not recover from the underwriters. The hon. Member for Sheffield stated, that insurances had been effected on vessels, of which mere boys had been intrusted with the command. Now if this fact came to the knowledge of the underwriters, no one would suppose that the owners of ships would find their advantage in employing boys for the sake of saving 10*l*. or 12*l*. a-year, when upon insurances effected under these circumstances, they must pay an infinitely higher sum, or run the risk of their ship going to sea without any insurance at all. When he said this, he did not at all mean to prejudge the question of a Board, as far as mere examination went. He was rather disposed to think that some such plan would be attended with advantage, and he would remark that there was one attribute of that board with which he felt disposed to agree, namely, that it would be advisable, if possible, by some means, to obtain an after inquiry into the causes of shipwrecks, in the same way that they instituted inquiries respecting deaths caused by any accident whatever. He believed that such inquiries, if properly managed, would be attended with considerable advantage. He thought that they ought to afford a security of this kind, in deference to the feelings of the public generally, which were naturally excited in cases of shipwreck. With regard to another point adverted to by the hon. Member for Sheffield, he must say, that as far as related to ships engaged in the conveyance of passengers, the Legislature had already adopted some provision on this subject. A few years ago he had himself introduced provisions, which were still in force, by which ships taking passengers were subjected to certain regulations. At the same time, he had no objection, at first sight, to express his wish, that there should be an inquiry into the causes of accident occurring in all ships whatever. To the proposition of the hon. Member, with regard to the construction of ships, and the submitting the construction of them to a Board, he must at once say, that he had the most serious objections, as he believed such a proposition would be the means of stopping all improvements in the construction of vessels. It would prevent that competition by which an improved construction was discovered. He was desirous that the great mass of ships that went to sea, should be better built, and better constructed generally, but he believed that those improvements in construction, that now took place, would not occur, if the proposition of the hon. Member were adopted. If men were satisfied the moment they got their certificates, that their ships were sufficiently well constructed, one of the greatest inducements to improve the construction of ships, and by which a superior construction could be obtained, would probably be done away with. It would be the means of putting an end to invention and improvement. He believed that one great cause of the faulty construction of commercial ships, arose from the principle adopted of determining their measurement. He had certainly given a great deal of time and consideration to this subject; and the result was, that he had introduced a Bill to Parliament, two years ago, which was afterwards passed into a law, to effect a different mode of measurement. He hoped it had proved successful as far as it went. He did not imagine that it was perfect, and should be happy to support any measure which he considered an improvement, or by which any fault in the construction of vessels might be removed. He would not then enter into any further details. He would be happy to give all the attention in his power to the Bill, when it came before the House again, and he certainly would not present any obstacle to its being introduced.

Mr. *George F. Young* begged to offer a few words, as otherwise some misapprehension might arise in consequence of an expression used by the hon. Member for Sheffield. He understood that hon. Member to say, that the Committee upon whose report this Bill was introduced were unanimous in the resolutions they had come to. As a Member of that Committee he begged to say, that they were not unanimous in their opinion, as he himself did not vote for many of them. Other members of the Committee entertained similar scruples, but they did not think it necessary to divide the Committee. The hon. Member for Sheffield seemed, by his Bill to endeavour to carry out his own preconceived opinions. He seemed throughout his observations to deprecate the present practice of marine insurances. Now, he begged to assure the House, that they could not usefully interfere with the practice of marine insurances. He would tell the House, that it was impracticable. They might drive marine insurances away from this country, and compel the owners of ships to insure in foreign countries, where they were not subject to these restrictions; and if they made laws so stringent as to compel British vessels to insure in this country, they would make it impossible for the shipowners to maintain competition in the carrying trade with other nations; and the consequence would be, that the mercantile marine of the country would be destroyed. The hon. Member for Sheffield had greatly overstated his case when he said, there were inducements to shipowners to send their ships to sea in an unfit state. Now, the condition of every policy of insurance was, that the ship should be seaworthy, and sufficiently equipped and manned, and if the case were different in any respect, the underwriters would be very ready to avail themselves of this plea, and would refuse payment to the amount of the policy. With respect to the construction of ships, if the Legislature attempted to interfere with the builders of vessels, they would prevent competition amongst individuals as to the construction of the ships they wished to employ, and the objects of which must be best known to themselves. By leaving this matter alone, he believed, that they would be sure to obtain in the aggregate that construction of ships which was best adapted for the purposes of the maritime commerce of this country. It would be injurious and absurd to introduce a construction of one description, or any other impediment upon free individual competition. He agreed with the hon. Member for Sheffield, that it was most inconsistent and improper, that men who were intrusted with such important interests as the command of merchant ships should not be required to give some proof of competency. To this extent he cordially and entirely agreed with the hon. Member, and he further agreed with him, that if, through any circumstances, a ship were lost, the commander of such ship at the time ought not to be allowed to resume his station until, by an inquiry before a competent tribunal, he should have been exonerated from all blame. He would make no objection to the introduction of the Bill.

Mr. *Robinson* could not consent to the

introduction of this Bill without making a few remarks. He gave the hon. Member for Sheffield every credit for his humane intentions and his benevolent motives in introducing this Bill. It was due to the hon. Member, and to the Committee to allow the Bill to be introduced, but he must say, he protested against the provisions of the Bill, except so far as the interests of humanity rendered it necessary. If the House went beyond that, they would incur the risk of doing a great deal of mischief. The hon. Member for Sheffield had made some observations from which it was to be inferred, that the underwriters had an interest in the loss of ships, inasmuch as the occurrence of such losses had a tendency to augment premiums. The hon. Member for Sheffield stated, that such was the ingenious process by which these transactions were carried into effect, that neither the owners of the ships, the owners of the cargo, or the underwriters were in a degree interested in the subsequent fates of the vessels. This was a most extraordinary proposition, and he never expected to hear such a statement from any one possessing the hundredth part of the good sense of the hon. Member for Sheffield. So far from the underwriters being indifferent as to the seaworthiness of vessels, and the competence of themselves, that they required something like a proof of all these things before they insured vessels at the current rate of premium. If an insurance were offered without proving the quality of the vessel and the competence of the master, the necessary consequence would be, that the party insuring must pay an extra premium. As to boys of fourteen years being allowed to command vessels, he could not speak to the fact; all he would say was, that if proved it would vitiate the policy of insurance. The hon. Member for Sheffield said, that in all other nations there were some legislative enactments with respect to ships and their owners; but the hon. Member had only adverted to France. He must say, that France was the last country he would look to for an example with respect to its commercial marine. If any thing were obvious, it was the manifest superiority of this country over France. But what was the case in the United States? It was perfectly well known, that if any country were entitled to claim superiority in point of commercial marine, it was that country; and yet there was no such regulations existed as those proposed by the hon. Member for Sheffield. Having stated this, he would very briefly state how far he agreed with the hon. Member. He was perfectly willing to admit, that the concession to the proposed board of a power to inquire into all cases of shipwreck and loss of life might be productive of very satisfactory results. It was due to the public, that a strict investigation should take place into the causes of such disasters. To that extent he would go with the hon. Member for Sheffield. With reference to the remarks which had been made upon the subject of the incompetence of masters of vessels, he would just observe, that he had good grounds for believing, that in the character of persons appointed to the command of merchant vessels a great improvement had latterly taken place. He would certainly not at the present period offer any objection to the course proposed by the hon. Gentleman. He would look into the details of his Bill with a view to render it as effective as possible. If in this stage of the proceeding he were to offer any opinion it should be with reference to those parts of the hon. Member's plan which related to the construction of vessels—a matter in which the Legislature would, in his estimation, do more harm than good by interfering with it. He was perfectly willing to give his assent to the proposition, that no vessel should be suffered to go to sea without being subjected to some examination in the first instance, for the purpose of ascertaining her competence or incompetence to proceed on the proposed voyage; but as to legislative interference, with a view to prevent shipowners from insuring beyond the value of three-fourths of the ship—to that he never could consent.

Mr. *Aaron Chapman* concurred in many portions of the measure proposed by the hon. Member for Sheffield. He more particularly assented to that portion of it which related to the overlading of ships. By this system he believed, that vessels were not unfrequently rendered so top-heavy as to be almost unavoidably lost—a subject than which none could be more proper for Parliamentary inquiry He (Mr. Chapman) was as strongly interested in the maritime commerce of this country as any hon. Member could be; but he begged, at the same time, to impress upon the House the necessity of legislating with care and caution upon a subject of this description and of not permitting themselves to be carried into precipitate legislation by the personal attachment of hon. Members to Quixotic views.

Sir *Edward Codrington* said, that with all proper deference for the opinions of those hon. Gentlemen who were connected with the mercantile marine of Great Britain, he did not think that sufficient attention was paid to the safety of the lives of the seamen and others who made the voyage on board merchant ships. He had seen vessels knowingly lost. He repeated, that he had seen merchant-vessels purposely lost. He had once been standing on the beach at Brighton, and had been asked by some people near him why he was looking so attentively seaward? "To see that vessel lost," was the answer which he made. He awaited the result accordingly; and the vessel was undoubtedly lost, as he had anticipated, for no other earthly reason, as he believed, but that she had been largely insured. He doubted very much whether the people at Lloyd's were aware of the extent of danger to which vessels were exposed in consequence, as it was termed, of their being "well insured."

Colonel *Thompson* thought, that in the case of a vessel being known to be decidedly not seaworthy, a sufficient security might be found in the natural reluctance which seamen would feel to trust their lives to such a conveyance. He did not, however, object to the principle of the Bill, but would be glad to see it referred to a Committee, for the purpose of pruning down the redundancies by which it was encumbered.

Mr. *Warburton* was apprehensive that the constitution of a board for licensing masters of merchant vessels might be tantamount to the formation of a sort of corporation of masters, whose exertions, corresponding with their own interests, would be directed to the limitation of the list of masters to the smallest possible number. No man could dispute the fact, that great advantages had resulted from the system of insuring vessels; neither could it be doubted that it had been productive of very great evils. There was one security, however, against abuse to be found in the fact that, whatever might be the amount of losses, the premiums would exactly increase in proportion. Nothing could be more certain than that ships had been often fitted up for the express purpose of being lost. He would not say that so disgraceful an occurrence had taken place very often; but he certainly would say not very seldom. It was well known that it sometimes was the interest of shipowners, in the event of a vessel running ashore, to sustain a total loss of the vessel rather than a partial loss, and thus to secure the payment of the whole amount insured. There were undoubtedly many portions of the subject introduced by the hon. Member for Sheffield which called for legislative interference. He hoped the hon. Gentleman would make his Bill comprehend only the broad and leading points of the question, and leave all minor points to the good sense of the individuals engaged in maritime commerce.

Captain *Pechell* said, it was perfectly notorious that when a ship was fit for nothing else it was sent to bring timber from Canada. He hoped the hon. Member for Sheffield would receive that credit he was justly entitled to for his very great perseverance in this matter.

Sir *John R. Reed* only rose to express his astonishment at the observations of the hon. Member for Bridport, alleging that ships were lost purposely. He believed that such occurrences were at least extremely rare as he had never met with one.

Mr. *Pease* was not opposed to the principle of insurances; but, at the same time he thought the subject required great and vigilant attention. At present it was too often the case that men were induced to join ships at two hours' notice, without any opportunity of examining into their seaworthiness, whose lives were thus recklessly exposed to danger. He thought that the dictates of humanity required that some attention should be devoted to this subject.

Lord *Sandon* was heartily glad that the hon. Member had persevered so far as to introduce a Bill which was likely to remedy many of the evils which had been proved before the Committee to exist in this department of business. He felt himself bound to bear testimony to the zeal of the hon. Member whose Bill, if not shackled with too many regulations, he had no doubt would do much good.

Mr. *Buckingham* wished to state in reference to the objections that had been made, that it was not his intention to touch the question of marine insurances. He did not propose to interfere with the construction of ships, for, as a marine commander, his own experience taught him that every ship ought to have a form suited to the particular business in which she was engaged. The Bill contained only twenty clauses, and he would be glad to adopt any suggestion that might be offered for its improvement.

Leave given to bring in the Bill.

TEXAS.] Mr. *Barlow Hoy*, in rising to move for copies of certain correspondence connected with the province of Texas, said, that the recent conduct of the United States with reference to that province was a subject of too great importance to be over-looked by the British House of Commons. He believed the United States of America to be actuated by a desire of encroaching upon the dominions of adjoining powers in a southern direction. The interests of the British colonies situated in the Caribbean Sea, might become seriously affected in the event of these encroachments being made; and he for one, never could consent to the United States extending their boundary so as to occupy Texas, and ultimately, perhaps, to gain possession of Mexico. Under no circumstances could he give his sanction to this occupation. The Americans had said, that Cuba was so important an island that no European nation, except Spain, should be permitted to take possession of it. He (on the authority of Mr. Huskisson) would say, on the other hand, that the province of Texas was a province so important by its position to the commerce and the naval power of this country, as well as to the independence of Mexico, that upon no condition whatever should he allow it to come into the possession of any American power, with the exception of Mexico. When Mexico declared herself an independent state, Mr. Canning had entered into a treaty with that country, by which the Mexicans consented to abolish slavery in every portion of their dominions. This stipulation with regard to the abolition of slavery having been mutually agreed to between the contracting parties, Great Britain was bound to co-operate with Mexico, for the purpose of securing the desired abolition. It was, however, quite notorious that an importation of slaves to an enormous extent had been recently carried on from the United States into Texas. If a procedure of this nature were suffered to continue, there was nothing binding in treaties, and the immediate abrogation of the treaty in question would be the most proper course to pursue. Could America, he would ask, be presumed to be unacquainted with the provisions of a treaty which was not made in secret, and of which she thus exhibited her utter disregard? It could not be for a moment doubted that Texas was included in the arrangement; and yet, the President of the United States did not think it necessary to prevent his subjects from carrying on the slave-trade within the limits of Texas, and even from assisting the revolted slaves in every mode which lay within their power. With regard to the question of boundaries, which had been very much agitated, why did not the parties abide by the arbitration of the King of Holland? The President's message to the Senate of the United States spoke of "peremptorily demanding an arrangement from the Mexican Government. What was the nature of that demand? They all perfectly well knew that it was to get Mexico to give up Texas, in order that the latter might become incorporated with the southern states and form a part of the union. Was it not notorious that the Mexican minister had considered himself compelled to withdraw from Washington, in consequence of an army being kept up by the United States in Mexico? He would beg of hon. Members to put this case to themselves—how would they brook the maintenance of a foreign army within the British dominions? There was no doubt, whatever, that this army was so kept up for the purpose of influencing the Mexican state. He must say that if England were to desert Mexico in the present crisis, she would well deserve that this latter state should fall a prey to the rapacity of the American Union; that a large portion of the commerce of England should, in the event of a naval war, fall a victim to America; and that the British colonies in the West Indies should either fall together, or be materially endangered. The standard which had been raised in the province of Texas was not the standard of rational freedom, but was unfurled for the support of slavery. Notwithstanding the high position which England had long maintained with reference to the slave trade, she must now withdraw, and take up an humble posture, unless she were determined to uphold this treaty. The noble Lord, the Secretary of State for the Home Department, had said in that House some years ago, when the same subject was debated, that there existed a very just ground for remonstrance. Why, he would ask, should his Majesty's Ministers decline to remonstrate, at least in a friendly manner, with the government of the United States? It was of little consequence whether the acts complained of were the acts of the American people, whom the President was incapable of restraining, or had received the sanction of the President himself. In either case the interference of the English government was called for. There was another consequence which was likely to follow, and it was this—if the northern states were to be outnumbered by the southern states, the northern states would immediately ask for a counterbalance, and demand, that part of East Canada should be added to their territory. He hoped the noble Lord would also state his opinion upon that subject. He moved for those papers the more particularly, as he believed that appeals had been made by the Mexicans to this country, to use our influence with the United States for the maintenance of their integrity. The hon. Member concluded by moving an humble address "for copies of all correspondence between the government of Mexico and his Majesty's government on the subject of Texas, from the 1st of March, 1836, to the present date; also, of all correspondence between the Government of the United States of America and his Majesty's Government on the same subject for a like period."

Viscount *Palmerston* said, he was not prepared to dispute the importance of the subject to which the hon. Gentleman had drawn the attention of the House, nor to deny that it was a matter which the public and the Government of this country should view with attention and interest. The hon. Member had not, however, laid such ground for the production of those papers as to induce him (Viscount Palmerston) to think it would be consistent with his duty to grant them. He thought the hon. Member had not correctly viewed the present state of the transactions to which his motion related; and he would beg of that hon. Member to ask himself what the present state of the matter really was. The inhabitants of Texas had revolted against Mexico; the Mexican army had been defeated in the first campaign, and the President had been taken prisoner; but, at the same time, the government of Mexico had not abandoned their right of dominion—they still looked for the re-establishment of their authority in Texas, and were making preparations for re-commencing their operations in the ensuing spring. As far, then, as Texas and Mexico were concerned, there was on one side a case of revolt; and on the part of the other, a determination to suppress that revolt. He apprehended that the hon. Gentleman did not contend that with respect to that dispute the Government of England was at all called upon to interfere. The hon. Gentleman surely did not mean to say, that England ought to send a naval or military force to America for the purpose of establishing the authority of Mexico in the province of Texas—he did not mean that we should thus interfere in their unsettled dispute. The hon. Member conceived that the independence of Texas would follow as a consequence of its revolt,—that that independence would lead to the annexation of Texas to the North American Union, and it was to prevent that annexation that the hon. Member wished for the interference of the British Government. Now let them see what was the part which the United States of America, through their government, had taken in reference to the dispute between Texas and Mexico. The hon. Member conceived that the government of the United States entertained the intention of annexing Texas to the Union. But every government he (Viscount Palmerston) thought, had a right to be judged by its acts and declarations. What had been the declaration of the President of the United States? It was, no doubt, true, that some of the adjoining states had interfered in favour of the revolting faction in Texas; but the President and central government had ordered the laws of the Union to be enforced to prevent that interference, as inconsistent with the relations existing between the United States and the government of Mexico. What had been the declaration of the President with regard to Mexico? The hon. Member must have read the special message of the President of the United States, addressed to the Congress upon this particular subject, subsequent to the general message at the opening of the Session of Congress. Of that message, he would say, that it was impossible for any government to express itself more honourably, or more consistently with good faith towards other powers than did the President of the United States in that document. The President stated, that he had been pressed by many to take steps towards acknowledging the independence of Texas; he reminded the Congress of the principles by which a government ought to be guided in acknowledging the independence of a revolted province; and he added, that before such a course should be adopted, the province should not only have established its independence, but have done so in such a manner that other powers might see, that the mother country, had no rational chance of re-establishing its authority. The President also stated, that it was inconsistent with the principles by which the policy of the United States was guided to acknowledge the independence of Texas, in the then present state of things, and until it had succeeded in proving to the world that it had the means of maintaining itself as an independent state. He went on further to say, that great precaution was peculiarly incumbent on the United States upon that question, because a suspicion had prevailed, that the United States had an interested motive for interfering in the dispute between Mexico and Texas, and because they had been suspected of encouraging the revolt, for the purpose of annexing that province to the Union; that consequently a just regard for the honour of the United States required not only that they should suspend their recognition of the independence of that province, until it should be demonstratively accomplished, but that they should wait until other powers against whom no such suspicions could be entertained had previously acknowledged it. He would therefore say, that there had been nothing in the conduct of the government of the United States respecting this matter, which was not consistent with the most scrupulous feelings of honour and delicacy towards other powers. That being the case, he must beg leave to say, that the hon. Member had not grounded his accusation against the Government of the United States, upon the acts or declarations of that Government. With reference to the position of Texas, as regarded the United States, he would admit, that if the former were to unite itself to the latter, such union might indirectly lead to the introduction of slaves into that province, not only from the slave states in North America, but by importation by sea, for which great temptation would then, no doubt, exist. The very facility which the incorporation of Texas would give to the great extension of slavery, formed one of the strongest objections against that incorporation, and at which he looked with quite as much jealousy as the hon. Member. But there was good reason to think, that such an addition to the southern states would not be looked upon by the northern states as a matter indifferent to them. The northern states would probably entertain objections to the incorporation of Texas with the union, quite as strong as those which were felt by the hon. Gentleman. The hon. Member had stated, that he did not think slaves had been imported into Texas direct from Africa, but fancied the importation had taken place from the island of Cuba. That, to a certain degree, was possible, at the same time there was such a demand for slaves in Cuba itself, that it was not likely their exportation from that island would be carried on to any considerable extent, unless the same quantity of slaves was replaced by importation into Cuba. He could, however, assure the hon. Member, that the treaty with Spain, which had only come into full operation within the last year, had produced a very considerable effect. A large number of ships had been condemned upon the ground of their being equipped as slave-traders, although not having any slaves on board: he was inclined to think that this would be a severe blow to the importation of slaves into the island of Cuba. That treaty had, however, been evaded to a great degree by Spanish ships, not only by the assumption of the Portuguese flag, but by fraudulent papers, which they obtained from Portuguese colonies. Upon that point it was satisfactory to know that the Government of Portugal was animated by a desire, in conjunction with the Government of England, to put an end to such a disgraceful traffic. The present Government of Portugal had done that which the British Government had been unable to persuade any former Portuguese Government to do, although bound by treaty to do it—namely, it had published a very severe and comprehensive law prohibiting and rendering penal the importation of slaves into the Portuguese dominions; and although they had not yet signed that treaty, which he had hoped they would have signed many months ago, yet the law enacted contained almost all the stipulations which our treaty with Spain contained. Therefore, if the Portuguese authorities, both at home, and in the colonies, were honest and zealous in the execution of the law, the object would be already accomplished. But he was afraid, from experience of the conduct of the subordinate authorities of the Portuguese Government, that the object of the British Government would not be obtained until permission was given to British cruisers to carry that law into execution. He apprehended that the object which the hon. Member had in view would be met, not in the correspondence for which he had moved, but in the communications they were carrying on with the Spanish and Portuguese Governments regarding the slave trade itself. He conceived that the hon. Member had not laid any special ground for calling for those papers; at the same time, it was only natural that he, entertaining the sentiments he did, should have taken this opportunity of placing those sentiments upon record. So far from inconvenience arising from such a course, he thought that the open expression of opinion was always the safest and most convenient plan to adopt. He trusted the hon. Member would acquiesce in his objection to produce the papers moved for. He could assure the hon. Member that the Government was by no means inattentive to the subject, but in the present state of the question, between Texas and the United States, and between Mexico and Texas, he conceived there was no ground to justify the Government in laying the correspondence moved for before the House.

Mr. *Ward* would not trespass on the attention of the House did he not feel that he had an imperative duty to perform towards a distinguished individual—Mr. Forsyth—a member of the government of the United States against whom he had last year brought a charge, which he had since ascertained to have been totally unfounded. The charge which he had made was this—that a certain influential member of the American government had an interest not only in public but in private speculations in Texas lands. That charge had excited very considerable attention, and had naturally given great pain to the gentleman whose name was coupled with it. Mr. Forsyth had put himself in communication with him through the medium of a friend of Mr. Forsyth's now in this country; and he had now no hesitation in saying—on the contrary, he said with the greatest confidence—that there had never existed the slightest foundation for that charge against Mr. Forsyth. He never was connected with the purchasing of lands in Texas, and had always held it to be incompatible with his Ministerial duties to be so connected. He should also observe, that such a rumour had never been current in the United States until it had unfortunately become the subject of debate in that House. He had now only to express his deep regret at having put forward such a statement, and, in his own excuse, should say, that he had done so upon the authority of a friend of his, who he thought had the means of ascertaining the facts, and who had pledged himself for their accuracy. With regard to the question before the House, he would observe, that for upwards of ten years he believed a fixed design had existed in the United States to annex Texas to that country—a design which he deeply regretted, as its accomplishment would close up our sources of communication with that province, and disturb the good understanding with the government of the United States, which every one desired to see perpetuated.

Mr. *O'Connell* thought, that humanity was indebted to the hon. Member for bringing this question before the House, as it was only by the expression of public feeling they could hope to check the progress of one of the greatest evils the human mind could contemplate—namely, the addition of eight or nine slavery states. The revolt of Texas was founded upon nothing else than the abolition of slavery by the Mexican Government. The Mexican Government of 1824, pronounced that no one born in the territory of Mexico after that year should be born in slavery, and in 1829 they went further, and abolished slavery altogether, upon which immediately followed the revolt in the province of Texas. That revolt was actually the consequence of abolishing slavery in Mexico. The United States could not think of peopling that country with white men. What, then, were they to think of those who settled there upon the speculation of increasing the number of slaves by that most horrible of all traffics? He would say, they ought to be degraded in the eyes of every man of feeling. It was revolting to think of breeding up human beings for the purpose of making them slaves and selling them—of stocking farms, as it were, and estimating the probable number of women necessary to be kept for a certain number of men—of breeding up children as a matter of speculation, just as they would sheep, and calculating how soon they would be ready and ripe for the market. It was a blot which no country but America would suffer to stain her history. No nation was ever degraded by such a crime except the high-spirited North American republic They talked of the progress of democratic principles. No man admired those salutary principles more than he did; but what became of their boasted efficacy if they could not induce those who enjoyed them to abstain from such a horrid speculation? He admitted that the North American government had behaved with common decency in reference to Texas, but at the same time the press was calling out for volunteers to go to Mexico, and many men of influence from Louisiana and all the western states were sending out regular purchasers under a Spanish name, and calculating to what extent they would be able to establish a market there. Could Texas hope to remain independent without the assistance of North America? He thought not. He believed that but for the interference of North America Santa Anna would have overcome that province, and by this time have established in it an organized and powerful authority? There was an end to Texas unless North America assisted her, and who would say that was not speculated upon? He wished the noble Lord had felt it consistent with his duty to grant those papers. He did not believe the noble Lord had stated that any inconvenience would result from giving them, but had put his refusal upon the plea, that they would not serve the purpose of the hon. Member who had moved for them. He (Mr. O'Connell) thought that the conceding of those papers would show a disposition upon the part of the Government to discountenance the revolt in Texas. He felt that it was not the duty of this country to go to war with America, or to do any thing likely to create disunion between the two countries, but he thought it was the business of that country to follow the glorious example which England had set, of her determination not to have a slave within the reach of those who were under the protection of the British Crown, in having given 20,000,000*l.*, to purchase liberty for her own slaves, in order to raise them to that station for which nature and nature's God intended them, as human beings having the same faculties, and being heirs of the same redemption with ourselves. No one in this country had ever complained of our having shown that example; on the contrary, it was the pride and the boast of England that that sum of money had been conceded, and was looked upon as miserable dust in the balance compared to the liberty of so many thousand human beings. Oh what a contrast did that form between the Government of Great Britain and that of the American republic! Could aay thing be more striking, could anything be more glorious to this country, or more degrading to North America? He wished, therefore, that the small concession of these papers had been made by the noble Lord as the first step towards discountenancing the revolt of Texas, and the conduct of America regarding that province, for certain it was, that they hoped to add it to their territory. He had two hopes on the subject,—first, that the United States would not succeed in any such project, and secondly, that if they did, the crime would bring its own punishment. They had in North America not only made laws to prevent the black man from learning to read, but had actually made it a capital offence to teach men of colour, nay, to teach even free men of colour to read. He could scarcely refrain from thinking that if this vile system of inhumanity were continued, there would arise such a mass of physical strength in the country as would eventually put an end to it in the blood of their oppressors. If the present motion were not conceded, and it ought to be conceded, he hoped the hon. Member who had done himself so much credit in bringing it forward would persevere and again bring it forward in another shape before the end of the session, and in a fuller House, that the voice of humanity might reach across the Atlantic and terrify those speculators from their abominable traffic in human beings.

Colonel *Thompson* said, what the noble Lord called revolt, other persons termed rebellion. If the British subjects who had settled in Portugal chose to seize a province or some of the strong places, then would the noble Lord have called such a proceeding a revolt? Or would he have expected the Portuguese nation to give it such a designation? Why should the noble Lord apply such a term to the rebellious Texians? Was it not beyond question that all the inhabitants of Texas were Americans, wherever the Americans went they carried their bad habits.

> "Ubi Camillus ibi Roma."

The Americans could not congregate any where, without carrying their habits with them. Wherever Americans conquered, there they carried slavery. They lived, moved, and had their being in that crime. Were the British nation to make themselves parties to such transactions? It had been said, that we ought not to go to war. But for what were we strong—why did we keep up a large army, and why such a noble navy, if not for the purpose of upholding our own rights, and causing the rights of others to be respected? But it was not war the nation wanted, it was three inches of state paper. Let it be drawn up with energy, so that other countries should not possess the power of charging us with having deserted our posts and neglected the interests of humanity.

Mr. *Fowell Buxton* said, the noble Lord had told the House that they should look rather to the effect of the treaty than to any interference on the part of the British Government; but of all the treaties he had ever met with, he had never seen one which had been so totally disregarded as the treaty alluded to by the noble Lord. If the noble Lord depended on it, he might be assured that the slave trade would ere long be introduced into the country of the Texians. He wished the American government to know that the people of England were deeply interested upon this subject. Perhaps there was no subject which so strongly animated the feelings of the people of England as that of a country in which slavery and the slave trade were being abolished. It was a matter of undoubted certainty that if measures were not taken to check the carrying on of this trade and the interference of America, the effect would be its establishment in the neighbouring provinces, an evil which he would tell the noble Lord would be but trifling in comparison with the slave trade of Cuba. He thought they ought to let the world see what was the feeling of Government upon this subject. He could conceive no responsibility greater than that of a Minister of the Crown, who, without the least remonstrance quietly permitted those noble dominions to be taken possession of, and slavery and the slave trade established in them.

Mr. *Barlow Hoy* in reply said, that being convinced that the expression of opinion which had this evening been given upon the subject would not alone be productive of any effect in the quarter to which it was directed, he felt bound to press his motion.

The House divided: Ayes 28; Noes 41; Majority 13.

List of the AYES.

Blackburne, I.
Bonham, R. F.
Bowles, G. R.
Brady, D. C.
Buckingham, J. S.
Butler, hon. P.
Buxton, T. F.
Crawford, W. S.
Dick, Q.
Duncombe, T.
Eaton, R. J.
Johnston, A.
Knight, H. G.
Lawson, A.
Lushington, Charles
O'Connell, D.
O'Connell, J.
Palmer, C.
Polhill, F.
Rushbrooke, Colonel
Sibthorp, Colonel
Stuart, Lord D.
Thompson, Colonel
Twiss, H.
Vere, Sir C. B.
Wakley, T.
Walter, J.
Young, Sir W.

TELLERS.

Hoy, B.
Lowther, —

List of the NOES.

Aglionby, H. A.
Bentinck, Lord G.
Bewes, T.
Brotherton, J.
Collier, J.
Dillwyn, L. W.
Elphinstone, H.
Ewart, W.
Grote, G.
Hall, B.
Handley, H.
Heathcoate, J.
Hindley, C,
Hume, J.
Humphery, J.
Johnstone, J. J. H.
Leader, J. T.
Lefevre, C. S.
Lemon, Sir C.
Lister, E. C.
Lushington, Dr.
Martin, J.
O'Brien, W. S.
Palmerston, Viscount
Parrott, Jasper
Pease, J.
Potter, R.
Pryme, G.
Rice, right hon. T. S.
Rickford, W.
Rundle, J.
Scott, Sir E. D.
Strickland, Sir G.
Thornley, Thomas
Tooke, W.
Turner, W.
Watson, R.
Whalley, Sir S.
Wilde, Sergeant
Wood, Alderman
Worsley, Lord

TELLERS.

Hawes, B.
Parker, —

Reform Act—Rates and Taxes.] Mr. *Thomas Duncombe* thought that it would best conduce to the convenience of the House if he were merely to ask leave to bring in a Bill respecting which he had given notice, and to postpone the discussion of it until the second reading. The hon. Gentleman, accordingly, moved for leave to bring in a Bill to repeal that portion of the Reform Act which requires the payment of rates and taxes in cities and boroughs as the condition of registration.

The *Chancellor of the Exchequer* observed, that the motion of the hon. Member for Finsbury was a very grave one; it was no less than to repeal a portion of the Reform Act. He thought that it would be much better, with reference to so serious a matter, that the argument should precede rather than follow the introduction of the Bill. In measures of a comparatively trifling nature leave was frequently granted to bring in a Bill, postponing the discussion of it to a future stage; but it was very unusual indeed to allow a Bill of so important a character as that moved for by the hon. Member for Finsbury to be brought in without any reasons having been assigned for its introduction. He had hoped that, instead of taking this course, the hon. Gentleman would have postponed moving for leave to bring in the Bill until his noble Friend was present. He opposed the motion on the ground that the hon. Gentleman had presented no arguments in favour of it. [Mr. *Duncombe* was prepared to support his motion with arguments.] He was quite open to conviction, but when it was proposed to bring in a Bill to repeal any Act, and especially such an Act as the Reform Act, he for one could not consent to its admission until he found good reasons for doing so.

Mr. *Thomas Duncombe* said, he would state shortly the reasons upon which he founded the proposition that he had submitted to the House. When the Registration Act of last Session was in progress, he had moved that it be an instruction to the Committee to provide for the repeal of that portion of the Reform Act which required the payment of rates and taxes in cities and boroughs as the condition of registration, on the ground that it was unconstitutional in principle, and vexatious in practice. The Attorney-General, however, told him that the matter did not come within the scope of the Registration Bill; but that if he would make it the subject of a distinct Bill, the Attorney-General would give that Bill his serious consideration. He had now adopted that recommendation; he had asked for leave to bring in the Bill; and it was rather hard, after having thus adopted the recommendation of the Attorney-General, to be told by the right hon. Chancellor of the Exchequer that he was pursuing an unusual course. His great reason for the measure was his belief and conviction, a belief and conviction which universally prevailed, that the Clause in the Reform Act, to the repeal of which this Bill applied itself, operated materially to diminish the number of voters throughout the country. The noble Lord by whom the Reform Act was introduced, and to whom he should ever feel grateful for the benefit, had anticipated that its effects would be to add half a million of voters to those previously existing. The fact was, however, that it had not increased the previously existing number by more than three hundred thousand. The noble Lord had anticipated an increase of ninety-five thousand voters in the metropolis; the actual increase had not exceeded forty-eight thousand. At the present moment, of the hundred and sixty thousand ten pound householders in the new boroughs which had been created in the metropolis, only forty-eight thousand had been actually disfranchised. The great reason of this was their want of punctuality in the payment of their rates and taxes and the partiality evinced by the collectors in collecting those rates and taxes. The latter were frequently in the habit of calling on Tories, but leaving their political opponents until the period at which they ought to pay their rates and taxes had elapsed. When he had last broached this subject in the House he had been told that he was introducing Universal Suffrage, and a provision that no person should pay his rates and taxes. Whoever stated this was ignorant of the real object which he had in view. All that he wanted was, to place the borough electors of England on the same footing as the county electors. Why a borough elector, who lived in a house of the rent of 200*l.* or 300*l.* a-year, should be compelled, before he could be registered, to pay not only the King's taxes, but the poor and other taxes, and why in a county a tenant-at-will of 50*l.* a-year should not be subject to such a compulsion, he had yet to learn. He should be happy to hear any objections to which his measure might be deemed advisable; but to him it appeared anything but an unreasonable proposition.

The *Chancellor of the Exchequer* would trespass on the House for only a few moments. He had due respect for the motives and opinions of the hon. Gentleman, but when that hon. Gentleman said, that the clause in the Reform Act which he desired to repeal, was unconstitutional in principle, and vexatious in practice, he (the Chancellor of the Exchequer) must deny the fact. The principle on which the clause was founded was one of the earliest and best-established principles of the constitution, namely, that no man should enjoy his civil rights who did not discharge his civil obligations. With respect to the practice, if there were anything partial or vexatious in the manner in which the collectors performed their duty, that ought to be made the subject of inquiry. The collectors were not appointed by the Crown; and, therefore, the Ministers of the Crown were not responsible for the conduct of the collectors. They were appointed by authorities wholly independent of the Crown. When the hon. Gentleman admitted that a great number of the borough voters were disqualified in consequence of their own want of punctuality, how could he proceed to make the carelessness of such persons a ground for proposing an alteration in the Reform Act? The Reform Act stated, that no householder should be admitted to register who had not paid his rates and taxes. According to the hon. Gentleman, a great number of the householders neglected to pay their rates and taxes. Now, surely, the neglect of those to whom a law applied was a strange reason for proposing a change in an Act of Parliament, and that Act the Reform Act. He did not think that the arguments of the hon. Gentleman were sufficient to warrant the House in consenting to the motion. The hon. Gentleman was perfectly justified in introducing his Bill to the attention of the House, but it by no means followed that the House should agree to receive it.

Mr. *Wakley* observed, that this was a great and important question, which he and many others were exceeding anxious should be carried in the affirmative. The principle of the Reform Act was this, that persons occupying houses of ten pounds a-year should be entitled to vote at the election of Members of Parliament. Were they actually so entitled? No. If the House, therefore, denied the hon. Member leave to bring in his Bill, they would trench upon the principle of the Reform Act. For the Reform Act said, that householders of ten pounds in a borough; should be entitled to vote at elections of Members of Parliament. Now, they were not so entitled; and thus the Reform Act, instead of being an enfranchising, was converted into a disfranchising measure. It was disgraceful to legislate in this manner. The right hon. Gentleman had forgotten to answer the inquiry of the hon. Gentleman why there should be a distinction between county and borough electors in this point; why the former should be allowed to register without having paid any rates and taxes at all, and the latter should be prevented from registering until they had paid the whole of their rates and taxes? He hoped the right hon. Gentleman would see the propriety of withdrawing his opposition to the introduction of the Bill.

Lord *Worsley* would vote for the introduction of the Bill; but begged not to be understood as pledging himself to its support.

Lord *Dudley Stewart* could not say, that he had made up his mind on the subject; but he should like to see the Bill brought in. He should certainly support the motion of the hon. Gentleman for the reason which he had given.

Mr. *Pease* expressed his conviction that this Bill, if introduced, would never be carried into a law. Until the vote by Ballot should be obtained, he, for one, would never consent to take away from the voters of this country the power to disfranchise themselves without giving offence. He repeated, he did not believe this measure would ever become the law of the land. As to the comparison which had been made in respect to county and borough voters, he could see no analogy between the two cases.

The House divided: Ayes 49; Noes 38—Majority 11.

List of the AYES.

Aglionby, H. A.
Bewes, T.
Brady, D. C.
Brotherton, J.
Buckingham, J. S.
Bulwer, H. L.
Butler, hon. P.
Buxton, T. F.
Codrington, Admiral
Crawford, W. S.
Elphinstone, H.
Ewart, W.
Gaskell, D.
Grote, G.
Hall, B.
Hawes, B.
Heathcoate, J.
Hindley, C,

Hume, J.
Humphery, J.
James, W.
Johnston, A.
Leader, J. T.
Lister, E. C.
Lushington, Dr.
Lushington, C.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
Parrott, J.
Phillips, M.
Potter, R.
Pryme, G.
Rundle, J.
Strickland, Sir G.
Stuart, Lord D.
Thompson, Colonel
Thorneley, T.
Tooke, W.
Turner, W.
Villiers, C. P.
Wallace, R.
Warburton, H.
Ward, H. G.
Wason, R.
Whalley, Sir S.
Wilde, Sergeant
Wood, Alderman
Worsley, Lord

TELLERS.

Duncombe, T.
Wakley, T.

List of the NOES.

Bell, M.
Bentinck, Lord G.
Blackburne, I.
Bonham, R. F.
Bowles, G. R.
Collier, J.
Compton, H. C.
Dick, Q.
Dillwyn, W. L.
Dugdale, W. S.
Dunbar, G.
Eaton, R. J.
Geary, Sir W.
Goulburn, rt. hon. H.
Handley, H.
Hoy, J. B.
Johnstone, J. J. H.
Irton, S.
Knight, H. G.
Lawson, A.
Lefevre, C. S.
Lemon, Sir C.
Lowther, J. H.
Martin, J.
Palmer, G.
Palmerston, Viscount
Parker, J.
Pease, J.
Polhill, F.
Rice, rt. hon. T. S.
Rickford, W.
Rushbrooke, Colonel
Scott, Sir E. D.
Sibthorpe, Colonel
Twiss, H.
Vere, Sir C. B.
Vivian, J. E.
Young, Sir W.

TELLERS.

Baring, F.
Steuart, R.

HOUSE OF LORDS,

Friday, March 10, 1837.

MINUTES.] Petitions presented. By Lords BEXLEY, REDESDALE, WODEHOUSE, the Earls of SHAFTESBURY, VERULAM, HADDINGTON, Viscount STRANGFORD, the Archbishop of CANTERBURY, and the Bishop of EXETER, from various places, against the Abolition of Church-rates. —By Lords BROUGHAM and HOLLAND, from Edinburgh, and various other places, for the Abolition of Church-rates. —By the Archbishop of CANTERBURY, from Armagh, for an Inquiry into the working of the present system of Education (Ireland).—By Earl FITZWILLIAM, from St. Mark, St. Andrew, St. Peter, and St. Anne, Dublin, for Municipal Corporations (Ireland) Bill.

CHURCH-RATES.] Lord Ashburton presented Petitions from Croydon, Ealing, and several other places, against the abolition of Church-rates.

Lord *Brougham* wished to know from the noble Lord, whether he was not aware that the great bulk of the petitions which he had presented, proceeded upon the notion that there was to be some plan for letting the Churches go into ruin altogether? The language of many of them he knew was to that effect. He himself deprecated any system that would prevent the Churches being kept in proper repair, and none of the petitions which he had presented, of so many hundreds, had the least idea that the Legislature meant to bring forward or sanction a measure that would have this effect, nor would they, for a moment, countenance such a thing.

Lord *Ashburton* said, that the petitioners, in this case, certainly had presented their petitions without knowing the precise object of the Bill which had been brought into the other House. Nor did he think it at all likely that they understood the plan of his Majesty's Government; he must consider them great conjurors if they did understand it—he, for one, did not. The petitioners, however, were moved by this consideration, that they saw a large body of persons in different parts of the country with feelings avowedly hostile to the Established Church, and they certainly did present their petitions under an apprehension that it was wished to do something to the injury of that institution, and that a system of spoliation of the Church property was to be adopted.

Lord *Brougham* said, the statement of his noble Friend only showed that though the petitioners, if they had been called on to express an opinion on the one question now before their Lordships, might have given the opinion which his noble Friend supposed they would, yet, in point of fact, they had given their opinion on a perfectly different question. His belief was, that if they had been asked, "Have you any objection to a measure for the abolition of Church-rates, which does not contemplate allowing the Churches to go into disrepair?" their answer would have been, that they had no objection to such a measure, but, on the contrary, would be willing to support the numerous petitioners who had come forward in support of the present plan.

Lord *Holland* must really say, that he had presented a large number of petitions to the House against Church-rates, but not one of those by whom they had been signed had avowed any hostility to the Church; so far from it, many of them prayed that a better provision might be made for the repair of Churches; and he was persuaded when the Bill for this purpose was considered by the country and the House, it would be found to be a measure which would give relief not to Dissenters only, but to all parishioners, and to the Church itself from its present precarious dependence.

The Bishop of *Exeter* had presented 100 petitions to their Lordships House, and he could state, that the purport of the whole of them was to implore their Lordships to refuse their consent to the abolition of Church-rates. The people were in a state of the greatest alarm on account of the proposed removal of that charge, which was more ancient than the right to any species of property in the country. He held in his hand a petition in favour of Church-rates, which he begged should be read at length—it was from the inhabitants of Clifton Morrisson, in Devonshire.

The Clerk having read the petition,

The Earl of *Radnor* said, he had a suspicion that the petition which had been just read, had not been composed by any one of the individuals who had put their names to it. He had yesterday a printed form in his hand of a petition which he understood was sent from London by the archdeacon of the diocese, with an earnest request that names might be subscribed to it. He had not the form to which he had alluded now, but, from his recollection of it, he could say, that the petition just read was word for word the same as that form.

Lord *Wharncliffe* asked the noble Earl if he had never known any previous instance of petitions having been got up in the way he had just described.

The Earl of *Radnor* said, he had never been himself, nor had he ever known any other person, engaged in such a transaction.

The Bishop of *Exeter* said, that whether the petition was a copy of a printed form was entirely out of his knowledge. He had, however, the strongest assurances that the feeling of the district from which the petition came was almost unexampled in favour of the ancient rights which they possessed. Supposing the facts which the noble Earl had furnished, rather than affirmed, to be as he stated, what did it amount to?—why, that such was the confidence and feeling of the people on this great question, that they were invited to look to a form of a petition, and see whether it did not embody their views and the expression of their feelings. He could hardly conceive anything more fair than putting before parties petitions of that kind and leaving them to decide for themselves. He had been informed, and he did not complain of it, that thousands of blank forms of petitions were sent from London by one of the Post-office receiving houses in a single night. With regard to the present petition, it appeared that the people—whether in a printed form of petition or not, he would not take on himself to say—came before their Lordships and asked them not to sacrifice their dearest interests.

Lord *Holland* agreed that it could not be considered a ground of objection to, or of complaint against, a petition, that it was signed by persons none of whom had written it, though such a circumstance might form a fair subject for consideration when the petition was presented to their Lordships; but he would say, with great respect and deference to the right rev. Prelate, that he did not think the authorship of this petition was much worth contention; because, if he was not greatly mistaken, the petition contained as much unsound law and perverted history of facts, as it was possible to put into any piece of paper of equal dimensions. The right rev. Prelate had talked of the ancient impost on the people of this country to pay Church-rates. When the proper time came for the discussion of this matter, it would be for the right rev. Prelate to make out how the original intention of the donors or the founders of Churches was perverted, and both the support of the Church and the support of paupers were taken from the shoulders of the clergy, and put upon the people of the country. It might have been right so to do; but the right rev. Prelate would find it difficult to prove what was asserted in that petition, because the intention of the donors was directly the reverse. In conclusion, he must say, it was irregular, inconvenient, and impertinent, to discuss the merits of a question which was not fairly before the House, and which the public and the House could be led only to misunderstand by having it submitted to them piecemeal.

The Earl of *Falmouth* said, that to present a printed petition for the purpose for which the right rev. Prelate had so well explained, was not only a perfectly legitimate mode of proceeding, but one most conformable to the practice of the present times. But to accompany it with an earnest entreaty to sign it was another thing; and he begged, therefore, to ask the noble Earl, if he himself knew whether the archdeacon accompanied the printed form of petition to individuals with an earnest entreaty that they would sign it?

The Earl of *Radnor* really did not know.

The Bishop of *Exeter:* Not one of my petitions was printed.

The Earl of *Radnor* did not mean to say the petitions were printed; but his informant had told him there was a printed form of a petition sent round, and the petitioners were requested to sign it.

Petition laid on the table.

Receiving printed Petitions.] Lord *Wharncliffe* said, he had a petition to present against Church-rates.

Lord *Holland:* Is it printed?

Lord *Wharncliffe:* Yes.

Lord *Holland* understood it was contrary to the order of the House to receive printed petitions. He had frequently had petitions which he was most anxious to present, but his desire to do so was overruled on the ground that they were printed. If a Committee were appointed, their Lordships would find that it had been repeatedly ruled that printed petitions should not be received in that House.

Lord *Wharncliffe* had been informed, that numbers of printed petitions had been presented to and received by their Lordships.

The Earl of *Devon* said, that the rule not to receive such petitions had existed up to three or four years ago; but on the occasion of the abolition of slavery, or some other important question, printed petitions were received after the subject had been discussed.

Lord *Holland* said, he would beg to observe, that unless some decision was come to which would permit such petitions to be received, he would take exceptions to any that might come before their Lordships. It was the rule of that House not to print any petitions presented to it, and it would be monstrous if they did not print petitions presented to them, that they should receive petitions which were printed. This question was, therefore, a more important question than at first sight it appeared, and was one on which a decision should be come to in one way or the other, for he could not understand how the rule of the House could be got rid of by an understanding, or a mere conversation over the table.

Lord *Lyndhurst* said, that there was no order against the reception of printed petitions. Hundreds and thousands of them had been presented on the subject of the abolition of slavery, and the understanding under which this occurred was just as much an order as that alluded to by the noble Baron, as there was no written order on the subject.

Petition laid on the table.

HOUSE OF COMMONS,

Friday, March 10, 1837.

Minutes.] Bills. Read a second time:—Post-office Acts Repeal, Post-office Offences, Post-office Management and Franking.—Read a first time:—Reform of Parliament Act Amendment.

Petitions presented. By Mr. Wilks, the Lord Advocate, Mr. E. J. Stanley, Mr. Alston, Mr. Bernal, Colonel Anson, Mr. Baines, Mr. Hastie, Mr. Stewart, Mr. Lambton, and other Hon. Members, from various places, for the Abolition of Church-rates.—By Mr. Maunsell, Colonel Rushbroke, and other Hon. Members, from various places, against the Abolition of Church-rates.—By Sir William Brabazon, Mr. D. Browne, Mr. Standish Barry, from various places, for Vote by Ballot.—By Mr. Hutt, from Kingston-upon-Hull and Huddersfield, for Repeal of Duty on Tobacco.—By Mr. Wilks, the Lord Advocate, and Mr. Loch, from Bradford (Wilts), Leith, and Melksham, for Repeal of Duty on Fire Insurances.—By the Lord Advocate, from Milngavie, against the Creation of Fictitious Votes (Scotland); and from Dundalk, for Small Debts (Scotland) Bill.—By Sir George Strickland, and other Hon. Members, from Trowbridge, Bradford, and Idle, for Repeal of Duty on Foreign Wool, Olive Oil, and Indigo.—By Major Cumming Bruce, from Torres and Perth, for Revision of the mode of constituting Committees on Private Bills.—By Lord Viscount Sandon, from Liverpool, complaining of the Exportation of foreign made Biscuit in Bond, thereby defrauding the Revenue.—By Sir William Brabazon, and other Hon. Members, from Ballyhooley, and various other places, for Municipal Corporations (Ireland) Bill.—By Sir William Brabazon, and other Hon. Members, from Hilleagh, and various other places, for the Abolition of Tithes (Ireland).

Church Rates.] Mr. *Harvey* seeing the noble Lord, the Home Secretary, wished to ask a question in reference to the resolution which had been placed on the table by the Chancellor of the Exchequer, and which stands for further consideration next Monday. That resolution affirmed two propositions: First, that Church-rates ought forthwith to cease, and be abolished by law; the second was the mode of providing for the deficiency occasioned by the affirmance of the first. He desired to know whether the Government would consent to divide the resolution. To the first he could give his hearty assent; to the second, as therein proposed he entertained serious doubts.

Lord *John Russell* could at once answer the question of the hon. Gentleman, that he should object to this division of the resolution. It might be conformable to the views of some hon. Members to carry the plan for abolishing Church-rates, without providing any measure for the support of the edifices; but to that course he was by no means disposed to agree, and, therefore he could not consent to the hon. Gentleman's propositions.

ROYAL MARINES.] Lord *George Lennox* brought forward the motion of which he had given notice, for the appointment of a Select Committee to inquire into the promotion of the officers of the Royal Marines, with a view of giving those officers more rapid promotion, and thereby rendering them more effective. He wished, he said, to observe to the House that there were but three corps in his Majesty's service in which promotion did not proceed by purchase—these were the artillery, the engineers, and the marines; and it was surprising, comparing the promotion in the last with the two former, how slow it proceeded with the Marines, and how justly the officers in that service might complain of the mode in which they were treated. The officers of the Marines could not look forward to the command of a regiment. The most sanguine amongst them might hope for the command of a division, but even so, it would take him forty-four years to attain it; and under the present system no man could expect to attain it until he was at least seventy years of age. Officers scarcely ever could attain to any such command until they became non-effective. In the other grades they found the lieutenant-colonel commandant seventy-seven years of age. The period of service of one senior colonel was fifty-five years, of another fifty-nine, and of many fifty-eight years. A colonel-commandant had, from his advanced age, repeatedly stated, that it was impossible for him to discharge the duties of his situation with satisfaction to himself or advantage to others; yet this officer was compelled to continue in command. There were four second colonel-commandants who had all been forty-four years in the service: there were other lieutenant-colonels and majors who were from forty to forty-four years in the service. The senior captains had been forty years in the service; the junior captains twenty-nine years; ten senior lieutenants twenty-nine years in the service, and fifteen junior lieutenants twenty-eight years in the service. From a comparison between the promotions in the Marine and in the artillery, it appeared that the officer who was now but a lieutenant and captain in the Marines, would be a lieutenant-colonel in the engineers; and that a person who was a senior captain in the Marines, would be in the engineers a major-general. There was an officer in the artillery who had entered the service at the same time as Lieutenant Mastock went into the Marines; that officer was a brevet-major for ten years, and Lieutenant Mastock was for twenty-eight years a lieutenant in the Marines. In the engagement between the Shannon and the Chesapeake, an officer of the Marines boarded the enemy's vessel; honorable mention was made of his name in the dispatch of Captain Broke; that officer, however, was still a lieutenant. All he asked of the Government was a Committee, in order that an inquiry might be made into this subject. He had no doubt that the result of the inquiry would be to render that justice to officers which their gallantry and long services entitled them to.

Captain *Boldero* seconded the motion of the noble Lord. He read to the House the eulogium pronounced by his Majesty (when Duke of Clarence) on the eminent services rendered to the country by the Marines. This eulogium was pronounced on the occasion of presenting them with a stand of colours. To show with what injustice the Marines were treated, he observed, that of all the officers of Marines, employed in the great battle of Trafalgar only one of them had received promotion. It was his opinion that it ought to be recommended to the Admiralty to afford some outlet for the old officers of Marines, many of whom were unfit for duty. In the conflict between the Shannon and the Chesapeake, the officers of Marines who had boarded the American vessel, and of whom hon. mention had been made in the dispatch, received no promotion. Such a circumstance would not have occurred in the navy, officers so distinguished would be immediately promoted, as officers in the navy had been promoted, who took part in the trifling affair the other day at Bilbao. Even latterly the officers of engineers were promoted, while a major of Marines, having six hundred men under him, was neglected. He trusted that, as the Marines were always placed in the van in the time of war, they were not always to be left in the rear when promotion was to take place. For his own part, he could not see any good reason why the Marines should not be placed on the same footing with the other regiments in his Majesty's service. He did not lay the fault of the system upon his Majesty's present Government, but at least they ought to consent to the Committee that was now called for.

Sir *Edward Codrington* sincerely hoped the Government would not oppose the present motion—inquiry was at least due to that body. He having witnessed their efficiency in action upon more than one occasion, would say that they had done their duty nobly. With respect to the statement made by the hon. Member who had last spoken of colonelcies having been given away, he would state 8,000*l.* had been added to the estimates for that purpose, and the commissions given to meritorious naval officers. The great misfortune of the present system of promotion in the Marine corps was, that no matter how a man might distinguish himself he could not be rewarded in the way he merited. It was not quite fair to refer to individual cases, but he would state that he knew one captain who was an exception. No man had more distinguished himself at the battle of Trafalgar, and Admiral Collingwood had declared he considered him more than equal to the best lieutenant in his ship. That officer had never received the smallest reward until lately, when his Majesty had conferred upon him the Order of the Guelph. He sincerely hoped that the present motion, to which he gave his cordial assent, would be acceded to.

Mr. *Charles Wood* said, though he could not agree to the appointment of the Committee, yet he entirely concurred in the greater part of what had fallen from the hon. Gentleman. He was most happy to add his approbation to that of the hon. Gentleman of the conduct of the Marine corps in all parts of the world. All that had been said did not at all exceed their merits; by land and by sea they had proved themselves worthy of all that could be said of them. Admitting the statements of the hon. Gentlemen with respect to the extreme age of the officers, and the slowness of promotion in that corps, yet it was to be remembered that the promotion there was carried on entirely by seniority, which was a plan that had been often urged upon the Ministry in that House. It was not true that the Admiralty had done nothing on the subject; it had engaged much of their attention, and alterations had been made by them. The noble Lord (Lord George Lennox) had asked for a Committee which he was obliged to refuse. He could see no good which could be derived from it, because the facts were admitted on all sides. The noble Lord said, "Give me a Committee;" but he said, "Give me money." Money was all that was wanted in order to allow the aged officers to retire. The Order in Council of 1824 was still in force, and unless it were changed the retirement of the present aged officers would increase the retiring allowances by a quarter of a million. The gallant Captain had deprecated any comparison between the Marines and any other corps. He mentioned it not for the purpose of diminishing the respect for the Marines; but the fact was, the retirement of invalid officers from the Marines was as one in three, while those from the artillery was as one in four (we believe). The question had occupied as much of the attention of the present board of Admiralty as of any former one. The subject was now under the consideration of the board, who were attempting to find out some plan of allowing them to retire without increasing the public burdens; and in his opinion the whole subject might be safely left to the board of Admiralty, who had great anxiety to afford relief if possible. With respect to Major Owen, he would only state, that he believed it was the intention to include his name in the late brevet, but through some informality it was omitted. He thought a Committee could not elicit more than the country was already in possession of.

Lord *Hotham* most willingly bore testimony to the eminent services of the Marines; but still he thought it better to leave the matter in the hands of Government.

Captain *Berkeley* said, that when he came to the House, it was his intention to vote for the motion of his noble Friend; but, after the statement of the Secretary of the Admiralty—after hearing from that hon. Gentleman that the just claims of the Marines were under the consideration of the Admiralty, he hoped that his noble Friend would leave the subject in the hands of his Majesty's Government. He was convinced that full justice would be done to the Marine corps. Before he left the Board of Admiralty, the noble Lord who was then at the head of the Admiralty

(Lord Auckland) wished that the case of the Marines should be taken into consideration. He hoped that his noble Friend would not press this matter to a divi-

Sir *Henry Hardinge* thought it necessary for him to say a few words on this subject. He had no wish to trespass on the time of the House, as he considered the answer that had been given by the Secretary of the Admiralty perfectly satisfactory. He considered the hon. Gentleman (Mr. Wood) to have stated that the services of the Marines would be taken into consideration, and, therefore, he conceived that everything essential and substantial was acquired by the answer given by the hon. Gentleman. He must however, say, that one most essential part had been omitted in the argument on the matter, namely, the impropriety of appointing a Committee of that House, by which promotions in the army should be taken into consideration.

The *Chancellor of the Exchequer* said, that in the answer given by his hon. Friend (Mr. Wood), the reason suggested by the right hon. Baronet amongst others, presented itself to his mind. He objected with the right hon. Baronet to the introduction of the question of promotion in the army before a Committee of the House.

Mr. *Hume* said, that he on the other hand felt imperatively called upon to contradict the assertion of the right hon. and gallant Officer. He hoped that the day would never come when any application to the House of Commons respecting the promotion of officers should be refused on the ground of privilege. The fact of the motion being made in Committee was the same thing. He (Mr. Hume) thought it was the duty of the House of Commons, when injustice had been done to any branch of the service, to interfere. If the prerogative of the Crown was improperly exercised, it was the duty of that House to take up the question. He cordially supported the motion of the noble Lord, and if he went out alone, he (Mr. Hume) would accompany him. Was promotion to take place with great rapidity in other corps because they were officered by branches of the aristocracy, while the Marines were passed by? Was it to be supposed that human nature could bear that? In 1827, he brought the case of the Marines before the House, and showed the injustice that had been practised towards them, but without the least effect, for nothing had been done. If the House of Commons allowed this to go on they were depriving themselves of the controlling power which they possessed. In his opinion a Committee ought to be appointed to inquire into the subject. No service deserved better or was less rewarded, and the course pursued towards them was the height of injustice. In the six years ending in July 1820, the House would scarcely believe that the promotion had been in the ranks of captains and first and second lieutenants, as followed — In the engineers, the promotions were fifty-six, in the artillery, 125, in the navy, 304, whilst in the Marines there was but one promotion. Would the House of Commons tolerate the continuance of such injustice? It became that House to ascertain whether full justice was done or not, and if the Returns proved that justice was not done, then a Committee should be appointed. The hon. Secretary of the Admiralty said, that money was wanting. He would venture to say, that if a case of justice was made out, that House would never refuse money, though it was careful as regarded those who were mere pensioners on the public. Those who never did any public service were the class of men whom the House of Commons ought to refuse to support; not those who served the country well and faithfully.

Admiral *Adam* thought that that House ought to furnish adequate means to the Crown to provide for the retirement of the full number of this distinguished corps. He agreed, however, with the right hon, Baronet (Sir H. Hardinge) that this was not a matter which could properly come before a Committee.

Colonel *Thompson* was anxious to know why the Marine forces, when they distinguished themselves in action, should not be rewarded, by means of the brevet, as well as other officers in the King's service? He thought that the most legitimate employment of the brevet was in bestowing rank on officers under such circumstances. He would certainly support the motion.

Mr. *G. F. Young* thought that the noble Lord (Lennox) might be satisfied with the answer given by the Secretary of the Admiralty. If the noble Lord pressed this matter to a division, he would place many Members in a false position; and many of those who would vote against the motion on constitutional grounds, were as zealous as the noble Lord to do full justice to the Marine forces.

Mr. *C. Wood* begged to say, that it was impossible for him to answer for the Board of Admiralty as to what they would do. He thought, however, when he told the House, that the subject was already under consideration of the Board of Admiralty, with the view of doing justice, that this would be sufficient. He would only add, that he was sure that the Board of Admiralty would take the earliest means in their power to apply to his Majesty for an Order in Council to make such regulations as should be necessary.

Motion withdrawn.

The House in Committee of Supply.

NAVY ESTIMATES.] Mr. *C. Wood* said, that when he moved these estimates last year, he abstained from going into any detailed statements on the subject, and he should pursue a similar course, considering that he should best consult the convenience of the House, by making his remarks as brief as possible. He should confine himself simply to the difference which would be found in the various votes of this and last year. With regard to the first item, "wages to seamen and marines," there was a difference of about 12,000*l.* between the amounts of the estimates for the two years, the sum required to be voted for the service of the present year being 1,051,916*l.*, and the vote for the previous year having amounted to 1,063,160*l.* This difference arose in consequence of there having been a greater number of marines afloat in one year than in the other. A considerable difference in the outlay of the two financial years existed under the head of "Office for the Registry of Merchant Seamen." This arose from the Navy Pay-office having been abolished as a separate establishment; and the exceeding labour of carrying on this registry under the provisions of the Act of Parliament, made it necessary for him to propose an immediate increase in the number of clerks, which would involve a proportionate increase of about 800*l.* in the estimate of the current year. The business of this department was now very much in arrear; and the actual number of merchant seamen reported as fit for service could not be made out for some months to come. Those, however, who took an interest in the naval affairs of this kingdom, would be glad to hear that a great increase had taken place in the number of competent merchant seamen registered. In consequence of a regulation latterly made, their number had been increased from 5,000 to 15,000. With reference to the scientific branch of the naval service, that the estimate for the current year presented a great increase, owing partly to expenses incurred for fencing the ground, and erecting a building for magnetic observations, in connexion with the Observatory at Greenwich, and under the superintendence of the Royal Astronomer, and principally attributable to the addition of nearly 2,000*l.*, which it was found necessary to introduce into the hydrographical department, and of 5,925*l.* for outlay in the purchase of paper, and for printing, in order to enable the superintendent to publish, in the course of the year, the *Nautical Almanacs* for 1839, 1840, and 1841. This almanac was intended for the use of the marine service generally. The publication for three years in advance would be exceedingly beneficial to persons going out on a two or three years' voyage. Before incurring the expense connected with the publication of the *Nautical Almanac* for a few years in advance, it was judged right to submit the matter to the consideration of Parliament, and state the exact amount which would be required, in addition to the estimate of former years. In the amount which was required for His Majesty's establishments at home, the increase was very inconsiderable. In the establishments of his Majesty abroad, there was a decrease of about 2,000*l.*, in consequence of the reduction of the commissariat department at Sierra Leone. By this reduction the interests of humanity would be served, in consequence of the necessity being superseded of maintaining a numerous establishment of British subjects in that dangerous climate. In the next item, that of wages to artificers employed in his Majesty's service at home, there was an increase of about 50,000*l.* beyond the amount contained under this head in the estimates of the past year. This arose from the circumstance of its being found necessary, for a variety of reasons, to employ a much greater number of shipwrights, rope-makers, sail-makers and other artificers and labourers, in the various naval yards of

England, than had been employed for some years previous. It would be recollected that some years back, in bringing forward these estimates, it was stated, that owing to the stores in the various dock-yards having been greatly over-rated, their contents were rotting and spoiling, and that, consequently, the Admiralty ordered that the materials they contained should be immediately used up. This was a system, however, which, whilst it diminished the outlay for the time being, must come to an end in time; and it now became necessary to provide for an additional outlay in order to bring the supply up to the probable consumption. Another cause of expenditure existed in the erection of a new rope-walk at Chatham, and to a slower process of rope-making, which had been introduced, by which, however, better rope was produced, which in the end, by its increased wear, would prove an economical arrangement. It was thought, that the Admiralty might perhaps be justified in putting up similar rope-establishments in other yards; but upon consideration it was deemed most advisable to postpone so doing until they had had a year's experience (of what had already been done. In regard to timber, having already a very large stock on hand, it was deemed advisable not to incur the expense of a very great additional supply, merely keeping up the stock to such an amount as not to compel them to go to market, when they required to do so, under disadvantages. He was aware that many persons objected to the mode of contracting for timber for the public service. He begged to state, that the existing contract would end in the ensuing autumn, and that the practice was invariably to put it up to competition, and that any one was entitled to send in a tender for it. The last cause of increased expense under this vote was owing to the practice which had been adopted of employing the men in the dock-yards for five-and-a-half days in the week instead of five days. The experience of the last three or four years had proved that they had not hands enough to do all the business which came upon them in fitting out ships. There had been a great increase in the building of smaller vessels and steamers in the dock-yards, in consequence of the transfer of the Post-office packet department to the Admiralty. This had thrown additional work upon the dock-yards, and it was thought that the most economical mode of procuring it to be done was by the system he had mentioned. He must say, that ever since he had belonged to the Admiralty he had seen reasons to disapprove of the practice of employing the men for five days in the week only, the stoppage of the works on the sixth day being a very great disadvantage, and the men requiring a higher rate of wages to make up their loss for the time they were not employed. There was another circumstance in the case, also, which rendered the new system decidedly an improvement in economy; namely, that whilst the men were paid by the day the superintendents were paid by the year; and thus the increase, in expense was only in the former, the latter being more fully employed for the same money. In vote No. 11, for new works, there was a slight increase of expense, which was chiefly owing to one heavy item, namely, the erection of a building at Woolwich, for the manufacture and repair of steam-engines, which he thought it would be found extremely advantageous to have on the premises of the dock-yard. In the miscellaneous service the votes had been considerably reduced. The estimates for the half-pay, notwithstanding the late brevet promotion, had also been reduced 3,000*l.*; and the naval and civil pensions had been reduced 9,000*l.* Hon. Members would recollect, that in consequence of the increasing extent of our commerce, and the large naval force kept up by other nations, together with the necessity of keeping up the knowledge of our seamen, a vote had been taken last year for an additional number of seamen. The same reasons still existed, and he trusted the House would pass a vote for the same number of seamen this year, for the purpose of protecting our commerce and maintaining the efficiency of the fleet. During the summer months the Government had considered it their duty to make a reduction of the number of men, for which a vote had been taken last year, but it was afterwards increased. On the whole, he trusted that the House would consider the Government had not abused the confidence reposed in them, but would agree to vote the same number of seamen that had been voted last year. The hon. Gentleman in conclusion moved, that a number not exceeding 17,957 seamen be voted for the service of his Majesty for the year 1837.

SPAIN.] On the Chairman putting the question,

Viscount *Mahon* rose and spoke as follows:* I now rise to call the attention of the Committee to the momentous subject of which I have given notice. Never, in my opinion was there a period when the foreign relations of this country called for a more watchful or more searching inquiry. Too long has this House remained indifferent to them—too long have they reposed in the noble Lord, the Secretary for Foreign Affairs, a confidence which has not been altogether justified by the prudence of his plans, or the success of his exertions. Even on the very first aspect of the question, I would ask, was there ever a position more anomalous, more unsatisfactory, or more destitute of all reasonable principles, than the present position of this country with regard to Spain? Do we even so much as know whether we are at peace or at war? That is a question I ventured to put to the noble Lord last year, and which has been also put by other hon. Members, but to that question we never could obtain any reply. I then said, and I say now, that I conceive it must be a very tortuous policy, which cannot give a plain answer to so plain a question. I conceive, that at no former period of our history could it have been a matter of doubt whether we were at peace or at war. But, Sir, the noble Lord was right in refusing to answer my question; for the truth is, that the policy in which he has plunged us is neither peace nor war. It is peace without tranquillity, it is war without honour!

In all discussions which have taken place on this subject, I have always most readily admitted that the Quadruple Treaty, and the additional articles, being once concluded, we are bound most honourably to fulfil them. Heaven forbid that any change of Government should make us unfaithful to any obligations solemnly contracted! But I do say, that succeeding events show more and more the impolicy of those additional articles. Those additional articles stand upon an entirely different ground from the Quadruple Treaty. I admit that there are several strong reasons to be urged in the defence of the Quadruple Alliance. It was a Portuguese rather than a Spanish treaty; the object being to appease the civil war that was raging in Portugal, and not to sanction any intervention in the affairs of Spain. But when Lord Grey's Government was dissolved, the noble Lord opposite, feeling the curb removed, went several steps further, and in August, 1834, signed the additional articles, stipulating an interference in the affairs of Spain. While I admit that we are bound to fulfil this treaty, and I have never wavered on this point, I lament the policy that conducted us to that obligation. I ask, why were we bound to interfere thus actively, and thus lavishly, in the affairs of Spain? Why could we not leave the affairs of the Spanish succession, if there was to be a civil war for it—why could we not leave it to be settled by that nation by which alone it ought to be settled—I mean the Spanish nation itself—and not force upon it the active interference of four foreign Governments? I could have readily understood, if Spain had been the powerful state she was 150 years ago—if the sun had never ceased to shine upon her conquests—if her dominions still extended over Italy and Flanders—then, indeed, I could have conceived that the question of Spanish succession would be an European question, deeply involving the balance of power. This was the ground upon which alone was defended the war of the succession 130 years ago. But, now that Spain has sunk so low in the scale of European nations, from a long series of arbitrary and despotic governments, the question of the succession is no longer a question of importance in the balance of European power. I ask, then, why, after acknowledging the Queen, it is deemed necessary that we should afford assistance in arms and in money, to her Majesty's cause? I feel bound to say, I see no good reason for the policy of those articles, and I think there exist no grounds for these acts of "non-intervention;" for, according to the vocabulary of the noble Lord, non-intervention is the word we should, in future, make use of to express an active meddling in whatever does not concern us; there are no grounds, I think, for the non-intervention of the noble Lord in the affairs of Spain.

Well, then, Sir, in a few months after those articles had been signed, the Government to which the noble Lord belonged was dissolved, and it was succeeded by that of the Duke of Wellington at the Foreign Office. The Duke of Wellington, although disapproving of the policy of the noble Lord in the additional articles, yet, finding the faith of the country pledged to them, determined, with my right hon. Friend, who was then Prime Minister, to adhere most punctually and honourably not only to the letter but to the spirit of these additional articles. That was the course of the late Administration — a course which has been, in a highly honourable and candid manner, admitted more than once by the noble Lord himself, and by Lord Melbourne in another place. Thus, then, the conduct of the late Government, in maintaining existing treaties, stands even clearer, from the admission of the noble Lord, than it could from any declaration of mine. But that Administration having come to an end, and the noble Lord having returned to his former office, not satisfied with the additional articles—not satisfied with the strict fulfilment of those articles under a previous Government—the noble Lord, then, on the 10th of June, went several steps further, by suspending the Foreign Enlistment Act, and allowing a body of 12,000 Englishmen to enlist under the banners of the Queen of Spain. To that course I have always felt the most determined opposition. I ask any hon. Member who hears me, and who looks at this question on its real merits, and divested of all party feeling, whether succeeding events have not fully justified, and more than justified, the predictions which were made at the time, of the privations and sufferings to which the British Legion would be subjected, and of the probable final failure of that most ill-omened expedition? I may be told of the courage and gallantry which that body has displayed on several occasions. I willingly and cheerfully admit it. I have never doubted—I never could have doubted—that British soldiers, under any circumstances, and under any command, would be found to display most determined courage; nor have I any fault to find with them with reference to their conduct in Spain. But I do find fault with his Majesty's Government for placing them in such a position, in which English oldiers ought never to stand—a position in which their courage must necessarily be unavailing, in which privations and famine are to do the work of the enemy, and which affords no security either for their good treatment or their efficient command. It is difficult for a year-and-a-half to elapse in this sort of warfare, without considering how very different was the conduct of Government in the great struggle in which the noble Lord had the honour—for such it was—of rendering services to his country—I mean in the Peninsular war. If I mistake not, the noble Lord was the Secretary at War during that whole contest, and attended very carefully to the details of his duty. How very different was our position at that period! We then stepped in not to assist one party of Spaniards against another party of Spaniards—not for the purpose of settling a question for Spain, which Spain is entitled to settle for herself, but to assist—what Mr. Canning emphatically called—"the universal Spanish people." We stepped in not by suspending an Order in Council—not by letting loose a party of marines—not by selling stores for which we have got no thanks, and shall get no money—no, we interfered as became the cause, manfully and openly; we assisted a noble cause by noble means; a cause worthy of Spaniards, by means worthy of Englishmen. How different from the late scenes we have unfortunately witnessed in the north of Spain! Was it really worth while, for such an object, to endanger the peace of Europe? Was there not danger, at the time the noble Lord projected that expedition, that other states might have interfered on behalf of Don Carlos, with a similar amount of money and a similar body of troops? Was it worth while, I will say, to send out such an expedition, for such an object; to run the risk of disturbing the tranquillity that happily prevailed in Europe?

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* From a corrected report.

——— Pax missa per orbem
Ferrea belligeri compescat limina Jani.

But if the Noble Lord was determined to unclose the temple of war for peace, he should have thrown open the main portal, through which English soldiers could have walked upright; and not have sent them through a side door, by which they had to creep upon their hands and knees through the slimy and intricate intrigues of the court of Madrid. Such is the position in which the English soldiers stand at present—a position in which I maintain that his Majesty's Government had no right to place them. And what have we now to cheer us in the stead of those victories which used to make the heart of every Englishman leap within him, and which have raised the name of his country to the highest pitch of renown? What have we obtained in return for half a million of money? I really know not what satisfaction we have enjoyed from it, unless it consists in having been able to read twice a week in the *Madrid Gazette* "that the Carlists are utterly annihilated;"—that according to the last accounts the Carlists have yielded to the valorous Alaix, or the ever-pursuing Espartero! One person has taken the trouble of summing up the number of dead, from the official bulletins of the Spanish army, which have been brought down, I believe, to the 8th of November last; and I have found the total number of Carlists killed in battle, according to this *Madrid Gazette*—most accurately given!—to be 313,129. Now, if the Carlist army be estimated, as I have heard it, at 30,000 men, it will follow not only that the British and Spanish soldiers have killed every Carlist soldier, but that they have killed him ten times over! We have all heard of the military powers of Alexander the great, and "thrice he slew the slain," but he has been most certainly outdone by the Queen's generals; for they not only have killed all the Carlists soldiers ten times over, but actually contrived to leave behind an army not much inferior to what it was at first! The hon. Member for St. Alban's (Mr. Ward) reminds me that there has been a similar exaggeration on the other side. But am I defending the other side? Am I proposing to assist the other side? No; but I am pointing out the errors and faults of that cause which the noble Lord has undertaken to defend, and upon which he has lavished his half million of money. I am no partisan of the other side, and not bound to vindicate any of its conduct. Following the order of time in the proceedings of the noble Lord, I think we are fairly entitled to consider, not only what the noble Lord has done, but also what he has attempted to do. On this point I find a very curious statement of what the noble Lord did, or attempted to do, exactly a year ago, in March, 1836. I beg to call the attention of the noble Lord to a speech lately delivered by Count Molé, the prime minister of France. Count Molé said, in March 1836, "that Lord Palmerston considered that circumstances justified his co-operation." I believe the new word "translimitation" was introduced on that occasion; a new word to express an old idea, and to cover the disgrace that was attached to it in the minds of the Spanish people—a new word which the noble Lord may, I believe, claim the honour to have invented. "In March, 1836," says M. Molé, "Lord Palmerston announced to General Sebastiani that it was his intention to land a certain number of marines on the coast of Spain, and invited France to share in that co-operation. The English Cabinet offered France the occupation of the port of Passages, and even allowed her to limit herself the extent, and fix the mode of her co-operation. M. Thiers immediately returned a negative reply; and it was only when a handful of soldiers had revolted at La Granja, and compelled the Queen by brutal force, to accept the Constitution of 1812, that the policy of the Cabinet of the 22nd of February changed with regard to the Peninsula." Now, here we have, on the undoubted authority of the prime minister of France, the nature of the proposal of the noble Lord, upon which, I must say, I look with no feeling but that of unmitigated condemnation. For the last 150 years it has been the policy of all our statesmen, to whatever party they might belong, to keep the French out of Spain and Italy. It was the policy alike of the Walpoles and the Chathams, of Mr. Pitt and Mr. Fox. [Mr. *Roebuck.*—Not of Mr. Canning.] Yes, I will accept the contradiction of the hon. Member for Bath, and say, it was also the policy of Mr. Canning; for no man expressed greater concern, when, in 1823, the French passed the Bidassoa. I assert, therefore, that this has been the uniform policy of every British Minister, until the noble Lord, for the first time, departed from it. Thanks to the noble Lord, we have a French garrison in Ancona, and are threatened with another in the port of Passages. I consider this one of the very strongest facts of the present case. It is very true, that the prudence and forbearance of the French government, the statesmanlike policy of the French ministry, deciding the question in their own right, have rejected the proposals of the noble Lord. But does that excuse the noble Lord? Is he not as responsible for the advice which he has given, as he would have been if the French government had been misled by a culpable ambition; and may we not, without any injustice, ascribe to him the undoubted evils which would have resulted had his proposal been adopted?

In the order of time, the next important event is the military revolution of La Granja. A drunken serjeant, with a few mutinous soldiers of the body guard, burst in the evening, into her Majesty's apartment, and compelled her Majesty, by threats and brutal force, to sign a decree, establishing an entirely new constitution in Spain. After the noble Lord's praises of the "Estatuto Real," we might not unnaturally have looked for some degree of hostility, on the part of the noble Lord, to this constitution, which had risen on the ruins of one he so much approved. We might also have expected that the noble Lord, who presided so long over the War Department, would have been keenly alive to the evils of a revolution, springing from a military mutiny. As to the merits or demerits of a political revolution, I am not now going to speak; but I will say, that I never yet saw a statesman who entertained anything but a feeling of horror at military revolution. When troops like the Prætorian bands of Rome, take upon themselves to decide for the country, and to dispose of the crown, a feeling of abhorrence ought I think, to be strongly evinced in all, but strongest of all in one who has closely studied the laws of military subordination, and whose duty it was, for many years, to enforce them. But what has been the conduct of the noble Lord? Why, he has waited for that very moment to lavish new favours upon the government of Spain,—to show his increased partiality for, and to redouble his acts of kindness towards, that government. It was soon after this, that an increased force of marines were put on shore to co-operate in the defence of Bilboa. It was then that every imaginable exertion was made to assist the Government of revolutionary Spain; in short, it might have been supposed—were we only to judge by the conduct of the noble Lord—it might have been supposed that, up to the period of that revolution, the noble Lord had been less zealous in his endeavours, but that this admirable change was acted as a strong additional reason, with the noble Lord, for lending that assistance. I am quite sure that such was not, and could not be, the feeling of the noble Lord; but were we to judge from his conduct, and not from the feeling which we know he must entertain towards military crimes, we should undoubtedly come to that conclusion. It was at this period that an extension was given, in the greatest possible degree, to the additional articles. I disapprove of those articles, but I am prepared to stand by them so long as they are obligatory on this country. If my right hon. Friend the Member for Tamworth, or the Duke of Wellington, had fallen short of the performance of those articles, the noble Lord would have, no doubt, complained, and would have had a right to complain, of their having done so; and are we, then, to be satisfied, when we find the noble Lord going so far beyond those articles, and violating them, to the injury both of the country that gives and of the country that receives this additional succour,—for I assure him it will be injurious to Spain,—are we to be satisfied with this conduct of the noble Lord? The noble Lord has, as far as in him lies, attempted to extend the provisions of the additional articles, in converting the naval force into a land army. Not only has more than half a million of money 540,000*l.* been expended by the policy of the noble Lord, but I have some reason to doubt whether the Returns, from which I have taken that amount, comprised the whole of the expenses. I do not mean to say that there has been the slightest unfairness in making up this account. I will explain my meaning. The Return of the provisions issued from the British ships, and other assistance furnished, large in amount as it is, is still incomplete, from the purser's books not being made up till this period. Now, I may be asked what number of marines have been employed, and what stores have been issued. The subject is one of so much importance, that I feel it to be my duty to press even these details on the attention of the House. I am unable to state how large a force of marines have served, or what amount of stores have been furnished; and why am I unable to state it? Because the noble Lord opposite refuses to give the House and country any information on the subject. At the commencement of the present Session an hon. Friend of mine, whose unavoidable absence I regret—the hon. and learned Member for Oxford (Mr. Maclean)—moved for a Return on this subject; but the noble Lord opposite said, that such a Return would be inconvenient, and induced the hon. and learned Member to discharge the order for the return. I wish to know whether I have been rightly informed, that, besides this half million, at intervals stores and provisions have been furnished from the King's ships to the troops in her Catholic majesty's service? But I would also call the attention of the House to the largeness of the sums which we know to be thus expended. I cannot believe that the additional articles justify this expenditure; there must have been provided some limitation as to the time over which these supplies were to be extended. I repeat that as long as these articles are obligatory, I will support them by my vote to the fullest extent: but I should be glad to know whether those supplies are to extend over any number of years, or to any amount of stores that are asked; and whether, if another military mutiny arise again, or if this unhappy war should continue (which God forbid) many years longer, there would be no limitation of these unrequited sacrifices? If the noble Lord opposite has really entered into this large and indefinite agreement, it is high time the House should know the extent of the charge which has been thrown by it on this country; and I must say, that I expected more sympathy on this subject from those hon. Gentlemen, such as the hon. Member for Middlesex, who express so much zeal for economy, but who have allowed at least half a million to be lavished, and still remain perfectly quiet and unmoved.

There is another point of great importance, to which I have not hitherto adverted; I mean the question whether, for these great sacrifices, the country has obtained any advantage or influence with the court of Spain? I should be glad to know if, after incurring these expenses to the amount of half a million (and I would willingly go before the country with this return in my hand, as a proof of the economy of the right hon. Gentlemen opposite), this country has obtained any weight or additional power with the court of Spain? So far from it, that at no period, whatever, has the British influence been less regarded by the Court of Spain than at the present moment. I make no complaint of the British Minister at that court. Of course, if the policy pursued by the Government at home has the effect of diminishing British interests, no fault can be found with the Gentleman who conducts that interest abroad. I, therefore, make no complaint against Mr. Villiers; but, at the same time, I cannot but lament that every effort that has been made to obtain redress from the Spanish court for the grievances affecting British subjects resident in that country have failed of success. I have in my possession a copy of a memorial sent up to the noble Lord opposite by the principal merchants (with scarcely one exception), residents in Alicant, and dated March 16th, 1836. It complains of the great grievances under which they labour. The statement begins thus:—"It is notorious that British interests and British security have been, for many years past, totally neglected by our Representative at the court of Madrid, notwithstanding the representations repeatedly made by British residents in Spain. England carries off at least three fourths of the produce of Spain, and Spain takes very little from England in return. All our applications to the Ambassador at Madrid have been of no avail; on the contrary, seeing the little zeal displayed by our natural protectors, the local authorities conceive that we can be treated with the greatest impunity." Let the House note, that English subjects resident in Spain here represent to the noble Lord opposite that they are insulted with the greatest impunity. They then say, "We have the intolerable mortification to see, that especially the Ministers of France and America, when under the necessity of having to make complaints, obtain almost immediate satisfaction." So that it appears that France, which has done little in the contest, and America, which has done nothing at all, can obtain immediate satisfaction, while British merchants have to appeal to the Government at home for the restoration of that influence which the mere name of England could formerly command in Spain. Now, this is a document not proceeding from one or two obscure individuals, but from almost every British merchant and subject resident in Alicant. I believe this is not a solitary instance; but that similar complaints have been made from other towns, and will be urged in this and in another House of Parliament. For that reason, I now only refer to the extract I have just read, and will avoid further discussion upon it; but I cannot refrain from mentioning to the House a fact which I feel they will think incredible, and which I could scarcely myself have believed, except on the authority from which I have received it. The fact is, that one of the impositions and forced contributions of which the British subjects complain, is a tax which they paid so lately as last year, and is called a tax "por Liberacion del Rey,"—for the deliverance of the King. When I first heard of it, I was at a loss to conceive who was called King in the reign of Isabella, or how this King was to be delivered. But I found that this tax was originally imposed during the captivity of king Ferdinand; and that, being very lucrative, it was kept up and demanded, not only after his deliverance, but after his death! I think that the English residents, who are now called upon to pay it, have just grounds of complaint. Without going more into detail upon these commercial grievances, I will only say, that from the last accounts I have received, it appears that several of these grievances are still matter of great complaint; and only one tax, or forced tax for military quarters (Paja y Utensilios), has been ceded to the British residents in Spain. If, then, all the large expenditure which this country has made has produced nothing to her commercial advantage, the next question is, has it done anything in aid of the objects for which it was urged and undertaken? In a word, has it accomplished anything for the cause of liberty? Surely, it will not be pretended that the cause of liberty has been promoted by these sacrifices and lavish exertions. Look to the government of Mendizabel, which murders its prisoners and defrauds its creditors; which, with peace in its mouth in Madrid, grasps nothing in its hands but gags and bayonets; which has such butchers for generals as Mina or Noguera;—and then say whether, in supporting such an administration, the cause of liberty can be assisted. It is not for such an object that the treasures of England should be lavished, or that brave Englishmen should be sent to the shores of Spain to encounter, not the hazards of the field, but, as was said on a former expedition against Spaniards,—

> Sent in this foul clime to languish,
> Think what thousands fell in vain!
> Wasting with disease and anguish,—
> Not in glorious battle slain.

There remains another subject to which I have not yet alluded, but to which I must call the attention of the noble Lord opposite; I mean the rights and liberties of Biscay and Navarre. Can it be possible that this House is not yet aware that those two provinces are possessed of privileges as dear to them as the constitutional rights of England can be to Britons; privileges won by as glorious struggles and secured by as solemn compacts? If the House really is aware of these privileges, hon. Members will surely join with me in imploring the noble Lord to take the earliest opportunity of asking for the restoration and maintenance of rights which have existed for centuries, and are endeared to the Biscayans and the Navarrese by every tie that can bind the heart of man. I will not go into many details of them; I feel it the less necessary after the very full statement of them contained in the work published by my noble Friend the Earl of Carnarvon,—a work not less distinguished by its high talent than by its excellent feeling,—a work entitled to an enduring place in the literature of this country. I have seen a pamphlet, published in reply to that work, with respect to the authorship of which I do not think it right to repeat any mere vague rumours. I will say only this, that many supporters of his Majesty's Government are accustomed to refer to this pamphlet as containing their justification, and as expressing the views of their leaders. I think, therefore, I may fairly assume that the opinions, of this pamphlet are not uncongenial to the sentiments of the noble Lord opposite. The pamphlet, I admit, is written with ability, and pays a just tribute of respect to the work and to the character of Lord Carnarvon; but it attempts to refute his arguments with respect to the privileges of Biscay and Navarre. Now, if the House will bear with me, I will show that this refutation is unsupported by any solid grounds. The pamphlet first states, that the Biscayans are not entitled to those privileges,—that they are antiquated and obsolete, and have never been of any great value. It adds, that the Biscayans are, in truth, indifferent to these rights. And what proof does it allege of this indifference? Why, that many of the insurgent commanders, such as Villareal and Moreno, are not natives of these provinces, but come from other parts of Spain, so that they cannot be supposed to have any zeal for these peculiar privileges. Why, Sir, was ever such an argument attempted before? Does it follow that the sentiments of an army should always be identical with those of their commander? On the very same ground, it might be shown that, in the struggles against Napoleon, the Spaniards were not, in truth, animated by zeal for their independence. Were not Blake and O'Donnell of Irish parentage? Was not Reding a Swiss? And yet, was it ever pretended, because Reding headed the Spaniards at Baylen, and Blake and O'Donnell on other occasions, that the Spaniards had no more zeal for their national existence, than foreigners to their country may be supposed to have possessed? Why, Sir, I venture to think, with all deference to the noble Lord opposite, that when peasants are roused to arms by any wrong, and look round for a leader, their object is, not so much to find a general who shares their enthusiasm, as one who can direct it with the highest military skill. I maintain, therefore, that the choice of able commanders from other parts of Spain does not, in any degree, prove indifference on the part of the Biscayans, who entertain the keenest feelings on the subject of their freedom. This pamphlet does not deny the main facts of the case against the present government of Spain;—that, soon after the outset of the troubles, the liberties of Biscay were abrogated by a decree of General Castanon, and that, though his conduct was blamed, his decree was never cancelled by the court of Madrid. I ask, is not this a case to justify popular resistance? Nor does the writer of this pamphlet seem to be aware of the treaties in which the existence of these privileges is formally acknowledged. I believe that, in the fifteenth article of the Treaty of Commerce at Utrecht, will be found a clause to secure to the Biscayans their peculiar privileges with respect to the fisheries in Newfoundland. And of such importance was this privilege considered, that I have seen despatches, eight or nine years after that treaty, saying that, if this privilege could by any means be relinquished to England, it would form one of the main equivalents for the desired restoration of Gibraltar. But if I wanted proof that the privileges exist at the present time, I could find it in the very pamphlet, the object of which is to deny their existence. In page 19, of that pamphlet is contained a fact which not only proves this, but also shows the value of those privileges. It states, that in 1819, enrolments were made throughout Spain for the purpose of reconquering the South American colonies. The Biscayans claimed their privilege of being allowed to commute this duty for a payment in money. Now, after their recent conduct, nobody can ascribe this to cowardice on their part; for the fact is, that they were opposed to joining in an attack upon the independence of their fellow countrymen beyond the Atlantic. They, however, claimed exemption from furnishing troops; and the amount of money paid by them instead, was stated, in this pamphlet itself, to be 10,000,000 of reals, and was in fact, adjusted between the government and the local authorities. But, even supposing that those privileges are of no value, the question still remains,—are they or are they not endeared to the people by long habit, by ancient custom, by the antiquity in which they are enshrined and consecrated? Surely Englishmen, who are themselves possessed of ancient institutions, cannot doubt that other nations may have, like themselves, a regard for legislative antiquity, as well as for legislative wisdom. Surely, we should not expect that the Biscayans should surrender their old national coin—worn and defaced, perhaps, but found to be of sterling gold—for the same of the new money—very sharp and fresh, no doubt; but how long will it pass current?—from the constitutional mint at Madrid. I will not weary the House with long extracts from ancient writers; but there is one passage, which is mentioned neither by Lord Carnarvon nor by this pamphlet, but which expresses so noble a sentiment that I hope the House will allow me to read it. It is a quotation from Blancas, a Spanish writer from the acts of the Cortes of Arragon in 1451, nearly 400 years ago. The passage is as follows:—"We have always heard of old time; and it is found by experience, that, seeing the great barrenness of this land, and the poverty of the realm, the folk would go hence to live and abide in other realms and lands, if it were not for the liberties thereof." Look, in fact, to what liberty has done for Biscay! By nature it is the most barren of all the Spanish provinces; by its rights and consequent industry it has become the most fruitful in cultivation, and the most teeming of inhabitants. It is liberty which has cultivated their bleak mountains and barren valleys; it is liberty which has driven sterility before it to the very highest hills. I have witnessed and can speak to the comfort, and happiness, and content, which prevail in those districts; and I only wish that I had the power to impress upon the House the same ardent persuasion which fills my own mind that this country will do great injustice if she fail to intercede in behalf of those free and brave mountaineers.

My argument, then, resolves itself to this;—I dislike and object to any interference at all in matters which properly belong to Spain; but if this country must interfere, I can see no object more worthy of engaging her attention, or that has a better claim upon her sympathies, than the rights and privileges of these Basque provinces. I believe that, if those privileges were duly restored and secured, one great cause of the war would be ended; and those districts might, not improbably, be restored to that tranquillity which they once enjoyed, and which they now so greatly need.

In conclusion, Sir, it will be perceived, that I have carried on my argument quite independently of the claims of Don Carlos. That is the very strength of my case; for even if I should admit that Don Carlos is a monster, a tyrant, a partisan of the Inquisition, it will not, so far as I can see, affect a single one of the arguments I have put forward. Admitting Don Carlos to be every thing hon. Gentlemen may choose to call him, it will not invalidate a single consideration which I have endeavoured to urge. I am no partisan of Don Carlos. In office I have taken my share, in a subordinate capacity, in the recognition of the rights of Queen Isabella; and I should not think it consistent with my character, as a man of honour, were I to cabal in private against those whom I have assisted and acknowledged in public. I shall not consider it a sufficient answer to the case I think I have made out, to be told of the decree of Durango, or to hear a recapitulation of faults of those on the other side—faults which I have not attempted to defend. The case which I put affects both the reputation of this country, and the tranquillity of Spain. The only chance for the restoration of that tranquillity is to avoid exasperating the civil war, by the introduction of a foreign force,—to interfere only to mitigate the horrors of the warfare, or to protect the liberties of a brave people struggling for their rights and privileges; at least, as much as for the claims of Don Carlos. I have now laid my case before the House, and, in my opinion a stronger case—not resting on the inadequate manner in which it has been put forward, but upon facts and substantial charges—was never before brought forward against a foreign Minister of England. I know that the feeling throughout this country scarcely presents any variety of opinion on the subject of the foreign policy pursued by the noble Lord opposite. His own Friends designate the noble Lord's policy as the bad part of a system, the main principles of which they approve. Others, like myself, think that the present Government is generally bad, and, therefore, are still less willing to bear with the faults of the Foreign Department. In a word, the policy of the noble Lord is rather tolerated than approved even by his own party; and such, I believe, are the feelings of the country. I have felt it my duty to bring this matter forward—I hope I have not done so in any acrimonious terms—and I now call upon the House to lend its serious attention to a subject which involves, in no small degree, the honour of England and the welfare of Spain.

Mr. *R. Cutlar Ferguson* said, he thought it impossible not to thank the noble Lord for the manner in which he had brought forward his subject. The noble Lord had done this in a manner which was free from all objection—in a manner which was never surpassed for the moderate and gentlemanly language which had pervaded the speech from beginning to end. At the same time, as he differed, almost in everything, from what the noble Lord had said, he must interrupt the proceedings of the evening for a short period, in order to state his own opinions on one or two points. The noble Lord, as he understood, in the beginning of his speech, did not mean to say that the Quadripartite Treaty ought not to be observed; for, on the contrary, he stated that he joined the Administration which came in when the Government which now again held office went out, and that that Ministry determined to carry out the provisions and stipulations of that treaty. The only thing for the House to consider was, whether his Majesty's Government, in the fulfilment of the engagements by which they were bound by the treaty, merited the reproaches which had been cast upon them by the noble Lord. With respect to the treaty itself, it appeared to him that it was justified on every principle of justice, and policy, and national honour. He had never yet heard that the Queen's government was disapproved of, or that the change made by Ferdinand in restoring the ancient law of Spain, which was only departed from for French purposes—for the purposes of the Bourbon party—was hailed otherwise than by the general acclamation of the Spanish people, and with the unanimous approval of the Cortes. The hon. Gentleman opposite shook his head; but he wished him to listen to one or two arguments before he came to a conclusion on the question. The Queen's government, as he had already stated, was approved of by the Cortes. The claim of Don Carlos was never taken into consideration by the Cortes at all; he was regarded merely as a pretender; and in point of fact, according to the restored and acknowledged law of Spain, he had no more pretension to the throne of that kingdom than any Gentleman whom he had then the honour to address. Under these circumstances, Great Britain having offered her aid and assistance to the Queen of Spain, the question arose, whether it was not necessary that the Government should enter into an alliance with some of the other powers of Europe, in order to enable it to carry its intentions into effect. First of all there was a treaty with respect to Portugal only, in which Don Carlos was regarded simply as pretender to the Spanish throne, and the object of which was to exclude him from the possession of the crown of that country. No sooner had the powers of Europe declared that they would not permit Don Carlos, as a pretender to the throne of Spain, to remain in Portugal for the purpose of opposing the government of the Queen, than Don Carlos, and Don Miguel put themselves under the protection of this country. Shortly afterwards, however, Don Carlos thought proper to abandon the asylum he had found here; and entering again into the field of contention in Spain, he published the infamous edict at Durango, under which many of the subjects of the King, and many of his own fellow countrymen were murdered in cold blood. The case then stood thus:—the British Ministry, acknowledging the government of the Queen of Spain, entered, as they had a perfect right to do, into an alliance with her and other European powers, to expel Don Carlos from the territory of Portugal; and having expelled him thence, an additional article, undoubtedly, a very important one, was appended to the treaty. It was in these terms:—"His Majesty, the King of Great Britain and Ireland, engages to furnish to the Queen of Spain such supplies of arms and warlike stores as the maintenance of her cause may require, and, if necessary, to furnish a naval force." If the British Government were right in acknowledging the government of the Queen of Spain—if they were right in the treaty they subsequently entered into with her, and with other European powers, to exclude Don Carlos from the Spanish throne—surely they were bound to furnish aid, if the necessity arose to the full extent engaged for under that treaty. The British Government had done nothing more. So far, indeed, from having exceeded the terms of the treaty, he thought the British Government would not have done its duty, if, supposing the necessity to have arisen, it had not gone much further for the purpose of carrying the additional article he had alluded to into full effect. Having agreed to the treaty, the question now was, whether the British Government had abandoned their duty in anything that had since been done? He did not know on what ground it could be said that they had abandoned their duty. It was said, that they had done more than was necessary. He did not know how that assertion could be maintained. Beyond the furnishing of arms and warlike stores, they had extended to the Queen of Spain, no aid that was not immediately connected with, and strictly confined to, a naval support. The noble Lord (Lord Mahon) said, that his noble Friend, the Secretary for Foreign Affairs, had taken advantage of the military revolution of La Granja to shower additional aid upon the Queen of Spain. Other nations, perhaps, might not have regarded that revolution in the same light as his noble Friend did; but he was sure, that no man could look upon the subject, without seeing that the mere fact of that military revolution, which he as much as any man detested—for nothing, in his opinion, could be more prejudicial to the best interests of a country, than a revolution carried on by military force—at the same time, he thought no man could calmly look upon the subject, without seeing that the British Government would not have been justified in abandoning the cause of the Queen of Spain, because she happened to be placed in the unfortunate situation occasioned by the revolution. The result of the military revolution of La Granja was, that the constitution of 1812, was restored with certain modifications. There had been a moderation on the part of the Cortes since, which had made them unpopular in Spain, but which entitled them to the praise of Europe; and he was ready to declare that Europe was infinitely indebted to the Cortes for having, by their discreet acts and increased spirit, made the cause of the Queen of Spain much better than it was. The noble Lord (Mahon) had indulged in some lengthened observations on the subject of the Basque provinces. The short reply to those observations was, that the British Government was obliged, under the treaty into which it had entered, to meet the war wherever the war arose. The fact of their having met and opposed Don Carlos in those provinces, did not show that they were inimical to them, or that they would do anything to prejudice their peculiar rights or privileges. The noble Lord also remarked upon the auxiliary force of British subjects, which the Government of Great Britain had allowed to enter Spain, to support the cause of the Queen. He, for one, could not see that there was ground of reproach or blame in so allowing British subjects to embark in the cause of the Queen of Spain. The cause of the Queen concerned all Europe—a cause which the Spanish people were not allowed to fight out between themselves, because the Northern Powers of Europe, in the absence of any foreign interference on the part of the Queen, were prepared to place Don Carlos on the throne. It was pretty well established, that a close communication was carried on between the Northern Powers of Europe and Don Carlos, and, by the aid of the former, the latter would have undoubtedly been placed on the throne of Spain, had it not been for the opportune interference of the subjects of Great Britain. The British Government had done nothing beyond that which it had engaged to do, and which it had a right to engage itself to do; and he thought the most unfortunate thing that could have occurred would have been, the defeat of the attempt to keep the Queen on the throne of Spain, such a defeat would certainly have taken place, had it not been for the gallant bearing of our brave countrymen at Bilboa. As an Englishman, he felt proud that they were his countrymen who took so decided and so distinguished a part in the relief of Bilboa, a part which the general himself declared, tended so directly and so materially to the success of the daring undertaking. The noble Lord had spoken rather lightly, rather disparagingly, of the conduct of the Spanish troops, yet it was impossible that any troops could have conducted themselves with greater courage, or greater perseverance, under severe privations, than the troops of the Queen of Spain did on that occasion; nor did the leader of any troops ever behave with greater gallantry than General Espartero; who, whilst he declared the bravery of his own soldiers, acknowledged in the most generous manner the obligations he was under to our own countrymen. But, at the same time, he agreed with the noble Lord, that a different course might perhaps have been adopted, if the ignorance and inactivity of the Spanish government—an ignorance and inactivity which left it matter of doubt, at one time, whether Don Carlos or the Queen should occupy the throne, could have been foreseen. Now, however, it was clear that the cause of the Queen had triumphed over the faction of Don Carlos; for he could call the supporters of that princely pretender by no other name. It was a faction seeking to usurp a throne, to which Don Carlos had no title. But he would not take up more of the time of the House. The noble Lord had brought forward nothing new that night—had advanced nothing but what had been alleged, and fully and completely answered on many previous occasions. He thought, therefore, that the few observations he had felt it his duty to make, would be considered by the House as a sufficient reply to what had been stated.

Mr. *Gally Knight*, dissenting entirely from the view taken of the subject by the noble Lord (Mahon) the Member for Hertford, wished to say a few words in order that his vote, if it were required, might not be misunderstood. The struggle that was going on in the Peninsula was not merely a struggle between the parties concerned—not merely a struggle between Don Carlos and Queen Isabella, but a struggle between two opposite principles, between the principle of despotism and the principle of freedom. He was of opinion, therefore, that the British Government was fully justified in extending its assistance to an ancient and distressed ally—to a great but unfortunate country; and to prevent, as far as possible, the growth of that engrossing despotism which had gradually reduced Spain from one of the most powerful to one of the weakest kingdoms in Europe. An interference to prevent the success of Don Carlos, and the re-establishment of despotic principles in Spain, was in his opinion, every way worthy of the British Government. The noble Lord had expressed his disapprobation of the two additional articles which were appended to the Quadruple Alliance. His conviction was, that the noble Lord the Secretary for Foreign Affairs, in appending those articles to the treaty, was wholly actuated by an earnest desire to put an end to a war of this description, and the object he had in view fully justified the means by which he attempted to accomplish it. As to the auxiliary force that had been supplied, he was decidedly of opinion that it had been of the utmost benefit to the Queen of Spain, for if the British had not been present at Bilboa, Bilboa would have fallen; and if Bilboa had fallen, Don Carlos would have been on the throne of Spain. He was in Paris at the time; and he could state that in the estimation of the French, the British arms had been anything but tarnished by the conduct of our countrymen before the walls of Bilboa. If all the provinces of Spain were divided in opinion as to who should fill the throne, he admitted that a handful of British soldiers would not be sufficient to serve the liberal and legitimate cause in that country; but what he contended for was this, that up to the present moment the treasure of England had not been prodigally wasted, that the honour of the British army had not been stained, and that the noble Lord, the Foreign Secretary, had not deserved the censures which had been cast upon him, and of which he had no doubt the House would hear a great deal more. As he dissented in opinion from that noble Lord, and from the Ministry with which he acted, upon some domestic questions of paramount importance, he was more anxious to do him justice in an instance where he did not believe him to be wrong. He had risen, therefore, to offer his humble testimony to the correctness of the course that had been pursued.

Mr. *Fector* declared that he was directly and fundamentally opposed to the policy of the noble Lord, because he was a supporter of that system of foreign policy under which he believed the real rights and privileges of the country could alone be maintained. He regretted the manner in which this question had been brought forward. He would rather have seen some substantial resolution submitted to the House. He gave the noble Lord credit for the purest motives; but he thought the House ought to be placed in a position to declare by its vote whether it sanctioned the policy of the noble Lord or not. He condemned the cruel spirit that had characterised the war, and could not enough reprobate the massacres at Barcelona and Madrid, but he should like to know what right this country had to interfere with the affairs of Spain at all? Suppose, for a moment, that a question respecting the succession was entertained in this country, how should we like Prussia, or Austria, or France to interfere with us for the purpose of upholding either one or the other side of the question? What would be our feelings? Would not every man with the heart of an Englishman stand up and vindicate the independence of his country? He thought, too, that the course pursued would be ultimately ineffective. We might send out our tens of thousands or hundreds of thousands of men, but he believed we should never settle the question of the government of Spain. Napoleon with all his military resources found that to be more than he could effect. He regretted, exceedingly, the course which had been taken by the British Ministry, because the effect of it had been to crush freedom of opinion among the people of Spain. As a friend to our national honour, he was compelled to say that he considered that it had been compromised. As a friend to liberty, he considered with his noble Friend that it had been interfered with and violated by the foreign policy of this country, and he only regretted that the question had not been brought before the House in such a manner as to enable it to give a distinct vote.

Lord *Francis Egerton* had no intention of interfering in the discussion, but was induced to rise by one or two of the latter observations of the right hon. Member for Kirkcudbright. That right hon. Member had taken a course with respect to the privileges of the Basque provinces which was indeed consistent enough with the whole policy of his Majesty's Government, for it was one which led him to come to a judgment on the advantages of those privileges to the provinces to which they belonged, and to found the policy of this country on his own appreciation of their utility. He thought if that question were a fit one for the decision of that House, he might be induced to agree with the right hon. Member that those privileges might be abolished with advantage to those provinces, if they could be induced to forego them. On general principles he thought that when districts by geographical position, and a concurrence of other circumstances, formed part of a monarchy or extended system, it was usually desirable that their institutions should merge in that general system. He went further, and thought that it would be a benefit to those provinces if their very singular and ancient language itself could be replaced by the Spanish. He agreed with M. Du-Pin that the use of the Basque language was an impediment to her civilisation; but were we the judges of these matters?—were we, in our judgments, to lend our aid for the remedy of such evils, while their existence was cherished by the parties themselves? He believed the Basques were in arms for the preservation of their privileges but not exclusively for that, for attachment to a particular succession, and to the person of their prince, was also among their motives. And were we to be called upon to forego and deaden all natural sympathy with a people thus fighting against superior forces, for a cause of those merits they were the sole and proper judges? It was not necessary to be a Carlist to feel that sympathy; it knocked at every bosom in England. He believed the very men who had lately been, if they were not at this moment, pointing the ponderous artillery of Britain against the party entrenchments of the mountaineer, felt that sympathy, that it penetrated into the very recesses of Downing-street itself, and that the noble Lord opposite was not proof against it. The right hon. Member for Kirkcudbright had next made what he (Lord Francis Egerton) considered an important admission; he admitted that he might have paused in the measure of repealing the Foreign Enlistment Act if he could have foreseen its results, and the utter failure of the expedition which had its birth in that repeal. "But," said the right hon. Gentleman, "how could we foresee that Spanish Generals would behave as they have?" How indeed! Had the noble Lord, then—had the Government—no means of forming a just anticipation of the assistance likely to be derived from Spanish arms and Spanish finances? If, indeed, the events of 150 years past had been blotted from history, and could we be carried back at once to the Spain of the sixteenth century, when her troops were led by an Elva, a Parma, in Europe—when they were led by Cortez to the conquest of another hemisphere—when their infantry was the first in Europe, the noble Lord might have well been excused for hopes deceived and prophecies refuted by events. But had nothing since occurred, had recent history no pages on which he might read the future? The noble Lord had been Secretary at War through the war of independence. Had its records taught him nothing of Spanish Generals and Spanish promises? If he looked for information in the ranks of that political party to which the noble Lord was a recent acquisition, was the name of Napier unknown in our literary annals? If he could condescend to borrow advice from a political opponent, but from one who never refused his counsel or his service when the interests of his country were at stake, a walk would have taken him to Apsley-house—a word would have brought the Duke of Wellington to Downing-street. The hon. Member for Nottinghamshire had thought fit to approve of the policy of Government on a simple and intelligible, but, a most questionable, ground. The hon. Members seemed to consider the contest in Spain as a simple one between the extreme of bigotry and despotism on the one hand, and rational liberty on the other. He (Lord Francis Egerton) doubted this conclusion. He considered that if it were true that the inquisition was ranged on one side as the inevitable consequence of success, which he thought beyond our knowledge to presume, it was at least as evident that the wildest extravagancies of Atheism and Jacobinism were ranged on the other. He wished to see an end to that contest. If the noble Lord could put forth his hand and raise up that edifice of national liberty which he gave the noble Lord credit for the wish to raise, he might rejoice; but, taking the history and condition of Spain into consideration, he doubted that the noble Lord could ever perform that exploit, and he still more questioned whether any of his measures had hitherto been calculated to lead to that result. But if the noble Lord, in the spirit of the conclusion of a pamphlet which had been much commented upon, had ulterior views — if, instead of dabbling with the confines of that country, of pursuing a warfare up to high-water mark, he seriously meant to launch a force into the interior, he warned him to beware. He might succeed for the moment, but the country which sanctioned the invasion of a moment must be prepared to sanction the expense of years of occupation, and to take upon itself the administration of the country. This was no new doctrine. If he objected to such interventions now on the part of this country he had done so in 1823 in the case of the French invasion. He had condemned it as dangerous to those who undertook it. Why did he then believe that France would find any military difficulty in invading that country? He well knew and believed they might march from Irun to Cadiz without a struggle. They did so; they took the Trocadero, they occupied Cadiz, and then their difficulties began. They found the difficulty was not to advance but to withdraw. With this example before him he warned the noble Lord to be cautious in listening to the advice contained in that pamphlet. On these grounds he could not join in the eulogy which the hon. Member for Nottingham had passed on the measures and policy of the noble Lord.

Mr. *R. Cutlar Ferguson* begged to explain. He had never justified the war in Spain on the ground of taking away the privileges of the Basque provinces. On the contrary, he admired the conduct of the people of those provinces. The war was found there, and was there encountered but it was never intended to make war against the privileges of the people. He certainly felt deep regret at seeing the blood of his countrymen shed for the support of the Spanish nation, unaided by the army of that nation.

Mr. *Poulter* differed entirely from the views entertained by the noble Lord opposite, and protested against the term intervention being applied to the policy of the noble Lord, the Secretary of State for Foreign Affairs. That term could be applied to those cases only where a state unappealed to interposed by its own authority in the concerns of another state. But what was the case here? Two constitutional governments, recognised as governments *de facto* and *de jure*, appealed to this country, in conjunction with France, in the most solemn manner, to afford their co-operation in working out the pacification of those two constitutional governments — Spain and Portugal. This the government of England had done honestly and *bona fide;* and if anything less had been done, it would have been an abandonment of the quadrupartite alliance. The noble Lord had argued in favour of some restriction being introduced upon this subject; but the noble Lord, before he could call for the adoption of any restriction, was bound to show that there existed some party capable of claiming the benefit of it. The British people, so far from calling for any restriction, most cordially supported the policy of the Government in granting naval assistance to Spain. Did the Spanish government complain that this country had given them a too generous assistance? What other party, then, could it be? The noble Lord (Lord Mahon) had thought proper to disclaim any right or interest on the part of Don Carlos: others, however, did not imitate the noble Lord. There were, then, behind the scenes, the friends of Don Carlos, whom they supposed to be entitled to the benefit of that restriction. But the rights of Don Carlos were utterly annihilated by the Quadruple Alliance. Don Carlos was either the sovereign of Spain, or he was nobody. He was *aut Cæsar aut nullus.* He was at the head of a national nuisance in Spain, and he trusted the Government would not cease their exertions till they had totally abated that nuisance. He deeply deplored what had taken place in Spain since the last prorogation of Parliament. They had seen a constitutional system stained with blood, one of the principles of that system being to prevent the shedding of blood. But they ought to look in common fairness at the causes which led to those misfortunes; they should remember the dismissal of Señor Mendizabal, a popular minister; the appointment of Isturitz in his place, a most unpopular minister; and the retaining of Cordova at the head of the army. These were circumstances which led to the re-establishment of the constitution of 1812, which he regarded more in the nature of a protest against the shameful intrigues of the administration than as evidence of any serious intention to adopt that form of government in all its objectionable features. This was proved by the fact, that when the modifications of that constitution were proposed they were adopted without a murmur. The French Government did all it could to foster and foment those lamentable intrigues which led to the establishment of that very constitution, and then took advantage of that circumstance to disband the troops which it had collected on the frontiers of Spain in compliance with the Quadruple Treaty. In adverting to the glorious achievement at Bilboa, he must congratulate the noble Lord, the Secretary of State for Foreign Affairs, on the very curious felicity which had attended him with regard to the gross inconsistency of those reproaches which had been made against him; for within four and twenty hours after his opponents had said of him that his policy was most trifling and most contemptible in the face of all Europe, they accused him of having *proprio vigor* relieved that important city, and dispersed the army of Don Carlos. What, meanwhile, had the French Government done? They had stopped *in transitu* a few barrels of gunpowder while crossing the Pyrenees. The duty of the French Government was to have hermetically sealed the Spanish frontier. But had the Quadruple Treaty been kept by all parties who had engaged in it? He had no hesitation in saying that the French Government had kept that treaty with punic faith, and nothing else. With respect to the constitution, the faults which attached to it were those which had continued from the old system of government in Spain. He had faith in the constitution of Spain, and he was satisfied that it was to that they must look for the real independence and improvement of the Spanish people. He would also observe, that if the Spanish people wished to make some atonement for the reproaches so justly cast on them for the proceedings in that war, he would recommend them to make a provision for the children of the unhappy and mistaken Quesada and others who had been sacrificed in the unfortunate outbreaks which had occurred.

Mr. *Grove Price* could not help congratulating the noble Lord on the curious felicity of his foreign policy, which, at the same time, was a matter of reproach throughout Europe, and which had led to such results as had been described by the hon. Gentleman. Certainly in his opinion nothing could be more curiously felicitous than the compliment of the hon. Member. To proceed, however, to the subject-matter of debate. He felt in the first instance bound to declare that he was determined to support the cause of one whose title to the Crown of Spain was, in his mind, unquestionable, in spite of the language and vituperative expressions of the right hon. Member for Kirkcudbright. The character of the distinguished man to whom he had alluded had been most disgracefully slandered through the medium of the press and by means of libellous pamphlets. The right hon. Gentleman seemed only to have studied the character of Don Carlos through the press: he had evidently not made the law of succession in Spain a matter of enquiry, and notwithstanding this, the right hon. Gentleman had given his opinion as if he were the arbiter to decide between the various claimants to the Crown of Spain. He begged the right hon. Gentleman to suspend his judgment and to leave it to the country to determine who was the lawful heir according to the law and institutions of Spain, and that was all that he required. He could not, however, help expressing his surprise when he found that an hon. Gentleman disposed of the Crown of Spain without having quoted one word of any author that could be considered as a proper authority on the law of succession in that country. A pamphlet had been published within the last few days on the subject of Spain, which he would show before he sat down was one of the greatest tissues of absurdities and mistakes that had ever been set forth in this country. He acquitted the noble Lord of being the author of this pamphlet. It was one of the most fulsome and ridiculous strings of panegyrics on the noble Lord and the foreign policy of the Government as regarded Spain that had ever been published in this country, and therefore he would, on that ground alone, acquit the noble Lord of being its author. He knew, however, that it emanated from another quarter—from those who knew nothing of Spain except through the statements of those whose policy it was to deceive. He knew who had written this pamphlet. Certainly he should not name the author, but he would at once state that most assuredly it was not written by a statesman, or a man of any authority as regarded Spain, but by an underling in office, who received his instructions and information from a mentor in a higher station, but who, at the same time, was so ignorant of his subject, that, in almost every paragraph he made some egregious mistake, and who exaggerated to such an extent as to be the general laughing-stock of all who had read his production. In the first thirteen pages of this pamphlet he found not less than eight most absurd errors. He had not read the whole of it, as he had not time before he came down to the House, but he should call the attention of hon. Gentlemen to a few of those blunders that occurred in the early pages of it. The first statement to which he would allude respected two gentlemen, namely, Mr. Honan and Captain Henningsen. Within twenty-four hours of the publication of this pamphlet Mr. Honan challenged the writer to come forward and avow himself, and declared that the whole of the statement set forth was false as regarded himself. Captain Henningsen, an officer of high character and a gentleman of the utmost respectability, entered more fully into an examination of this pamphlet, and showed how little reliance was to be placed on it. In the first place it was stated that Zumalacarregui had sent a strong verbal message to Don Carlos, accompanying a dispatch that he had sent. Now, to this surprising statement, Captain Henningsen replied that Zumalacarregui never sent verbal messages with his dispatches, and that he never treated Don Carlos otherwise than with the greatest respect. Zumalacarregui was then charged with the horrid crime of ordering women and children to be shot. He never did so to either women or children. Captain Henningsen was with the Carlist army during the period specified by the author of the pamphlet as that when these alleged atrocities were committed; and he stated that there never were any executions of women and children. At the same time, however, he stated, that the children of Zomara, the Carlist General, having fallen into the hands of the Christinos, were, on their besieging a place, placed by them in the front ranks, that the first fire from the troops of the Carlist force under their father might destroy them. Captain Henningsen also stated that the infant child of Zumalacarregui, only nine months old, was seized by the monster Rodil, who solemnly declared that he would hold it as a hostage for the conduct of the father, and that its life depended on that conduct. The writer of this pamphlet also said that the news of his death was received with joy at the Court of Onate, and Don Carlos was congratulated by his courtiers upon being emancipated from the brutal despotism of his general. Now was it the fact that Don Carlos, if he did not rejoice, did not receive with regret the news of the death of this so-called austere chief? He had heard the scene described when Don Carlos went to visit Zumalacarregui on his death bed, and he was informed on undoubted authority, that that prince was most deeply affected, that he shed tears, and was torn away in an agony of suffering, and exclaimed, that he had lost the bravest and most loyal subject that monarch ever had. He did more; he broke through the most ancient law of Spain, and ennobled the females of the family of his brave General for ever. This he mentioned to show that Don Carlos was not that monster that he had been represented to be, and that the author of the pamphlet stood before Europe as guilty of the grossest and most infamous falsehoods. It might have been supposed that the author had read some works on the law of succession in Spain, but this evidently could not have been the case, for he confounded the law of succession of Philip of Anjou with the old Salique law of France, which had never existed in Spain. By the law of Philip the females of the royal family were provided for, but males always succeeded to the throne in preference to them as long as there were any males of the direct line; and on the failure of the latter, females could inherit it. By this law, then, the King of Naples would succeed to the Throne of Spain before Isabella, but the claim of Savoy was postponed to her claim. What, then, did the House think of a man who treated of the law of succession in Spain in the manner that he had described? He thought that he had done pretty well with that part of the subject. He had not thought that at his period of life he would have felt so much interest in a question as he did in that before the House. Every feeling and sympathy of his heart was mixed up in the cause; he had taken up the question from purely disinterested motives; and he had done so because he believed that the cause itself was just. He must beg the pardon and indulgence of the House for occupying so much time, but he had been almost forced to do that in consequence of the course pursued by the right hon. Gentleman, who spoke in a most authoritative manner, and as if he possessed a plenary power of papal authority on the subject of the succession to the throne of Spain. He should have been happy to have heard arguments instead of such statements as had been made by the right hon. Gentleman. Assertions he undoubtedly did hear, but nothing in the shape of argument. He had himself carefully looked into the law of succession in Spain. He had examined the old law with the aid of an able Spanish lawyer, and after turning over many learned works and voluminous documents, he came to the conclusion that there was no fixed law of descent, but that females as well as males inherited. The law, however, was made positive by Philip of Anjou, and it enacted that males should be preferred to females, provided they were direct descendants of Philip. The law of Spain could not be altered unless by consent of the Cortes, and also unless the subject-matter for the proposed new law was placed before the constituents who sent members to the Cortes, strengthened by the opinion of their constituents on the subject of the law, and unless this were done, the law was null and void. He stated this in reference to the alteration that was attempted in the law of succession by Charles 4th. In 1789, when this was proposed, no such writ was issued to the constituents in directing them to choose the Cortes, but they were simply called upon to send representatives to pay homage to Ferdinand, then prince of the Asturias, and other matters which were not described. At that time both Ferdinand and Carlos were infants, and the king was anxious in case of their death to fix the settlement on his daughter, and therefore proposed a law for the abolition of that of Philip of Anjou, but it was necessarily informal in consequence of the defects in summoning the Cortes, as well as on other grounds. Under these circumstances the change then proposed could hardly be considered legal. The liberals who supported the cause of Queen Isabella, maintained that the *ipse dixit* of Ferdinand should set aside the ancient constitutional law of Spain. The will of Ferdinand, on the contrary, was a document which no one at all conversant with the laws of Spain and its monarchy could regard as valid for the purpose it was intended to effect; it was made in violation of every feeling of the Spanish people, and without those forms being observed which were indispensable to give it the force of law, even if its object had been one which came within the scope of the powers of the monarch. The people of Spain, if left to the free and unfettered exercise of their own judgment and inclination, would support Don Carlos. Every province, he was assured, would rise in arms for his cause, whenever a sufficient military force should appear in it, to protect the inhabitants, and to form the nucleus of an insurgent army. The right of Don Carlos to the throne was, in his opinion, indisputable; but this was a question to be decided by the Spaniards themselves, not by a mercenary band of foreign invaders. The noble Lord had endeavoured by his treaty of quadruple alliance to form a coalition of the great western Powers in opposition to the military empires of the north; but he thought the project likely to be signally unsuccessful. Portugal formed but a weak and inconsiderable state; Spain was bleeding at every pore, crushed by the policy of the noble Lord, and could not for a long time to come be expected to form an accession of strength; and France, the cherished of our bosom, had administered, in the speech delivered from the throne at the opening of the Chambers, the most bitter and sarcastic rebuke to British policy which any foreign power had ever dared to give. He lamented, deeply lamented, the course which the noble Lord had pursued towards Spain in authorising the enlistment of British troops in the service of that country. He admitted that the conduct of these auxiliaries had been marked in many instances by the spirit of daring enterprise and high-souled valour which characterized the British soldier; but he confessed that he entertained those old-fashioned English notions which taught that the man who shed blood, not in the cause of his country, or at the command of his king, but from misplaced and ill-directed activity, from the love of gain, from ambition, or curiosity to visit foreign countries, was not a man, but a murderer. He spoke not of those enthusiastic and high-minded spirits, who aspired to glory, dazzled by the splendour of military fame, and by the lustre of great achievements. Dangerous, he thought, was their moral position; but the man who heedlessly, and without an accurate knowledge of the grounds of quarrel, rushed into a contest, attracted more by a desire of spending his time abroad than by attachment to the principles of the cause which he was to support, was little better than an assassin; and the statesman who permitted it, had a deep and fearful crime to answer for. He was convinced that the present crude and rashly-formed constitution of Spain would soon fall to pieces by its own weakness; it contained within itself the seeds of dissolution, and would soon be replaced by intolerable anarchy, which would terminate by a union of all parties to restore to the throne of his ancestors the magnanimous and virtuous Don Carlos. [*A laugh.*] Perhaps those who laughed had no knowledge of him whom they ridiculed. He could assure them that this opinion of Don Carlos was formed, not solely from the testimony of his friends, but partly from that of his enemies. The leaders of his opponents at Madrid had acknowledged that his character was adorned by all the virtues of private life; and all that they alleged against him was, that he was a man of decided opinions, stern resolution, and dangerous to the liberal party. He must refer, in passing, to the story which had been got up by a female impostor, of an inquisitorial tribunal sitting in the city of London in support of Don Carlos; and to the monstrous insinuation that he himself (Mr. Price) presided over it. The noble Lord, the Secretary for the Home Department, had, however, credited this ridiculous rumour so far, as to cause the house which was indicated to be searched, to the great amusement of the police magistrates of the metropolis. As to the alleged anxiety of Don Carlos to re-establish the inquisition in Spain, who was now prime minister of Don Carlos? The bishop of Leon, who had spent his whole life in writing against it, and who had even obtained from his sovereign a decree for its abolition. Would any hon. Member deny that Don Carlos had consented to its abolition? [*Mr. O'Connell*, I deny it.] The hon. and learned Gentleman was, no doubt, an admirable judge, as he was acquainted with the bishop of Leon; and as the bishop of Leon knew him, he would only say, that if the hon. and learned Gentleman were supposed to be in the confidence of Don Carlos, or to share his councils, no English Protestant Gentleman would for a moment countenance the pretensions of that sovereign. He was fully convinced that these pretensions were founded in justice, and that they would ultimately prevail. History, he was sure, would honour the gallant soldiers who combated for their legitimate prince, and drew the sword in defence of the privileges which their native country had immemorially enjoyed, as it honoured the brave and self-devoted Highlanders of Scotland who upheld with romantic gallantry the standard of their ancient kings; as it honoured the chivalrous loyalists of La Vendée, who trampled on the banners of revolution. Their cause was just, and he prayed to God that it might be successful.

Viscount *Palmerston* stated, that however he might differ from the hon. Gentleman who had just sat down—and differ from him he did—in every opinion that he expressed, and which could at all bear upon the subject then under discussion, yet he was still ready, and most happy to bear his testimony, that the opinions of the hon. Gentleman proceeded from feelings deeply implanted in his mind, that in his enthusiasm in promulgating these opinions he was perfectly sincere, and therefore entitled to the respect of all those who differed the most widely from him! The hon. Gentleman, he also felt bound to say, had paid great attention to the affairs of Spain, and had studied them deeply; and though he might differ from the hon. Gentleman as to the result of his inquiries, yet still he did justice to the attention which the hon. Gentleman had given to the subject. The hon. Gentleman had begun his speech by reviewing a pamphlet relating to the affairs of Spain. He admired the hon. Gentleman's review much. It was certainly a better review than some that he had lately seen; it showed much more knowledge of the matter to be discussed, and it would have been better for the party who entertain the same views as the hon. Gentleman to have adopted his review of the subject instead of their own. The hon. Gentleman was quite right in saying, that he did not write that pamphlet. It certainly was a very able pamphlet, and he must say, that if he had written it, he should be proud to acknowledge it. He did not mean to follow the hon. Mmber through his review. The hon. Gentleman had gone into a dissertation upon the rights of Don Carlos, and he had favoured them with a history of the law of succession. The hon. Member was right in saying, that the Salique law, strictly so called, did not exist in Spain. By the law introduced by Philip, females were not eligible to succeed until all the male descendants of Philip had ceased to exist. Now, the hon. Member contended, that the recent change in the succession was not legally made. That was the point at issue. He apprehended, that in the change that was made, all the forms required by law had been gone through. It was made by the will of one King; it was sanctioned by the authority of the succeeding King; it was sanctioned by the Cortes, who were summoned by Ferdinand, and summoned expressly to give their sanction. It was sanctioned by their constituency, who were directly called upon to give their authority for that purpose. The change, then, was sanctioned in every manner, which the hon. Member contended to be necessary. The title of Isabella was recognised by the great majority of the Spanish nation, and by the Cortes of Spain. They, therefore, were entitled to look upon the title of Isabella as good. But that was a question which the House was not called upon to determine. That was a question which belonged to Spain, and not to Great Britain. They acknowledged Isabella as Queen *de facto*,—they acknowledged her to be Queen of Spain, just as the Government of the Duke of Wellington had acknowledged Louis Philippe to be King of France. The Government of the Duke of Wellington did not refuse to acknowledge Louis Philippe, because he was a king sprung from a revolution. They acknowledged the fact. It was, therefore, not for his Majesty's Ministers to discuss whether the claim of Carlos, is preferable to that of Isabella. It was not for them to adjudicate between the claims of the two parties. It was for them to act as another Government had acted, in the case of Charles the Tenth and Louis Philippe. All they did was to acknowledge the queen *de facto*; and, however good the arguments might be to show the superior claims of one person above another, they had nothing to do with them. What, then, was the Government to do with respect to Spain? They saw Isabella recognised. A change in the order of succession had taken place in Spain; it took place in perfect tranquillity—without disturbance, without resistance, and without violence. He apprehended, then, that the Government of England could not have done otherwise than acknowledge that order of succession which was thus established in Spain. He would next pass to the Quadruple Alliance. The hon. Gentleman stated, that they had endeavoured to found a Quadruple Alliance which would be a counterbalance to alliances between other powers. The hon. Gentleman stated, that that was a most unstable foundation, that Portugal was powerless, that they had reduced Spain to a miserable condition, and that they had no right to rely upon the steadiness of the alliance of France. He differed from him upon these points; for, although Portugal had hardly yet recovered from her struggle for free institutions, still she was a power, and, he took leave to say, a substantive power, in Europe. He said, too, that Spain, notwithstanding the confident predictions of the hon. Member, would become again what she had formerly been, and for a long time, a great and powerful state in Europe. The hon. Gentleman was facetious with respect to the alliance between France and England, and had assured the House that that alliance would be dissolved, and that the interests of the two countries would soon be found to conflict with each other. He could assure the hon. Member that he was exceedingly mistaken, that the alliance was one of interest between the two nations, and that it was certain long to continue. Whatever hopes, then, the hon. Member might found upon a separation of interests between the two countries, he could assure him, that they would prove to be exceedingly fallacious. The hon. Gentleman stated, that every province in Spain was ready to rise in favour of Don Carlos. The hon. Gentleman had made a similar declaration last Session, which events did not at all prove to be a true prophecy. Since that time, one of the most enterprising leaders of the Carlists, Gomez, had traversed the south of Spain, without producing any beneficial effects to his party, and without any such general rising having taken place as the hon. Member would teach them to expect. He believed that the present prediction of the hon. Gentleman would prove to be no better founded than that of the preceding year. He said, that the Government would not last, that it would give way to some wild theories, and end in dismemberment or democratic confusion. Now if there were one thing more than another that authorised him in entertaining hopes with regard to Spain, it was the wisdom and the moderation exhibited by the Cortes, who were now sitting. The Cortes met under the most democratic auspices, and if its conduct were to be judged of by its origin, it might be supposed that it would have gone to considerable extremes; but the Cortes had proved itself on the contrary the most prudent, the most sensible, and the most right-minded assembly that ever yet met in Spain. He trusted that the result of the labours of the Cortes would be this—to combine with everything that was necessary to freedom, complete firmness, and strength, and to secure for the people that future happiness and rational liberty which all ought to desire, and which all on his side of the House did wish Spain to enjoy. It was curious to see the different reasons assigned by hon. Members opposite for the civil war then raging in Spain. The noble Lord who opened the debate declared that the people of the Basque provinces were contending for their privileges alone; but the hon. Gentleman, with more correct information on the subject, stated that they were fighting entirely for Don Carlos. The hon. Gentleman, said that the Carlist war arose before the question about privileges. It was therefore certain that the dispute was about the succession to the throne. An hon. Member reminded him that in the pamphlet of Captain Henningsen this was stated to be the cause of the war. If it were for their privileges that the people of the Basque provinces were contending, how did it happen that the great landowners of the country were for the Queen, and not for Don Carlos? If it was a mere question of privileges, how did it happen that the towns were for the Queen and not for Don Carlos? How did it happen, that Vittoria and Bilboa were upon the side of the Queen, if commercial privileges were at stake in which they must be more interested than the inhabitants of the mou tains? Why was this? Because those privileges, they said, were of no value to them. The Basque provinces felt the advantages of those privileges when the rest of Spain was governed in an arbitrary and despotic manner; but when the rest of Spain became free, those privileges ceased to be of value to them. He knew that the inhabitants upon some former occasions had begged to be relieved from their privileges; for, however advantageous those privileges might be as to intercourse with other countries, yet still they separated the Basques from the rest of Spain, and made them as strangers and foreigners in their own country. However persons might feel a sympathy for men who were struggling for their ancient liberties, yet when they came to an examination of the real state of the case those sentiments must be altered, especially when it was recollected that they were men fighting against liberty, and not for it. The noble Lord had drawn a very beautiful description of the effects which liberty produced upon the Basque provinces—he had described comfort diffused amongst the population — villages secure — cottages smiling—hills covered with abundance—fields with plenty—roads in good order, and all different in appearance from the rest of Spain. But did the noble Lord investigate the causes that produced that contrast between the Basque provinces and the rest of Spain? If the noble Lord found those provinces so happy because they enjoyed a comparative state of liberty, why did he not feel anxious, as they on that side of the House did, to have the same benefits of liberty extended to the rest of the country? If the noble Lord was so fond of liberty in the abstract, why did he not intercede with his party on behalf of privileges which were sought to be extended to his own country—why, if he were so anxious to benefit the Basque provinces, did he not intercede with his noble Friend, and follow up his own principles, by endeavouring to give municipal institutions to Ireland. Recollecting, as he did, that the noble Lord held an office of high confidence under the late Government, and that he had been connected with the foreign relations of the country, he confessed that it was not without regret that he had heard the noble Lord make the observations to which he had given utterance upon this question, because if the noble Lord's opinions were taken to be a true representation of those of the Administration of which he had been a Member, then there was to be found, as the pervading character of their thoughts and opinions, an indisposition to popular liberties, and a professed attachment to despotic and arbitrary Government. This was a feeling which persons would be sorry to think was entertained by the Government under which the noble Lord had acted, and which he should be sorry to believe would be likely to be acted upon by any Government to which the noble Lord hereafter might belong. The noble Lord had asked whether, under the treaty, the Government ought to have acted as they had done? The noble Lord had been for four months in office, he had acted under the treaty—he had furnished Spain with supplies of arms and ammunition; he had been liable, too, to be called upon under another article of that treaty, when the Queen of Spain required it, to give naval assistance. This, the noble Lord might have been called upon to do by the treaty; and it was calculated to excite especial wonder that the noble Lord did not seem to know the precise position in which the treaty placed England as to peace or war. But the noble Lord knew, as well as he did, that they were auxiliaries to the Queen of Spain, and not principals in the war. The noble Lord said that the original treaty was justifiable, but the additional articles were not. The original treaty, he said, contemplated assistance to Portugal in a civil war, but it did not contemplate assistance to Spain in such a case. Why, he would ask, did not the treaty as justly apply to Spain as to Portugal? It appeared to him, on the showing of the noble Lord, to be just as applicable to Spain as to Portugal. The treaty was concluded because there was a civil war in Portugal; and when the civil war was transferred to Spain, the same parties who took part with Portugal, by treaty, at an early period, were bound to extend its provisions to Spain. He denied that the treaty had so limited an object as the noble Lord contended for. Any one who looked at the preamble of the treaty would find that the object of it was the pacification of the Peninsula by the expulsion of the two Infants from it. Upon every principle they were bound to extend to Spain the operation of the articles of the treaty. By the articles of that treaty they engaged to supply arms and ammunition, and there was an article stipulating for naval co-operation. But then the noble Lord asked what was naval co-operation? His answer was that it mattered not how many marines or artillerymen were employed. The co-operation was strictly a naval one when the force employed, consisting chiefly of sailors and marines was under the command of naval officers, and depended upon their ships for protection and support as the basis of their operations. Any man who knew the history of the last war was aware that in many cases ships carried troops of the line, who acted as marines, and then, when there were occasions to employ the crews on shore, crews were so employed, with the same advantage to the cause in which they were engaged, and with the same distinction to themselves, as lately upon the northern coast of Spain. He contended, then, that there was nothing in the co-operation which England had given to the Government of Spain that was not demanded by the treaty by which this country was bound. The noble Lord said, that the suspension of the Foreign Enlistment Act was disgraceful to the Government of this country. Now, he took leave on the contrary to say, that it was highly honourable to the Government of this country. Examples of the same kind were to be found in the most brilliant and distinguished periods of the history of England. The age of Elizabeth, which Englishmen could hardly make light of, was full of instances of the precise kind of proceeding which the noble Lord complained of. That great and enlightened Sovereign frequently allowed her subjects to volunteer in support of the Huguenots in France and of the Protestants in the Low Countries; nay, even to interfere in the affairs of Scotland; and she acted wisely in so doing. He would repeat, that in his decided conviction, so far was the suspension of the Foreign Enlistment Act from being a just ground of complaint against the Government, it was a proceeding most wise and most honourable to the country. The noble Lord seemed to think that those of our countrymen who had engaged, in the contest in Spain, in consequence of the order in council alluded to, had not done so much as had been expected from them. He could not admit the justice of this imputation. The British auxiliaries on their arrival in Spain had had the most serious difficulties to contend with, and he would venture to say, that there was no instance of a body of men so circumstanced who had equally distinguished themselves. A body of seven or eight thousand men were thrown into a foreign country in the face of a superior, a disciplined, and organised force, and the manner in which they had conducted themselves under such circumstances appeared to him a proof of the most honourable zeal and exertion. They had eminently distinguished themselves on every occasion when they had had an opportunity of meeting the enemy, and he felt well assured that their future conduct would be equally gallant. The noble Lord said, how different were the proceedings in this case from those adopted by this country in the Peninsular war. The noble Lord should have considered how utterly different was that Peninsular war in its nature. The noble Lord asked, why had there not been sent out now, as then, a great general and a great army, instead of a small body of men acting in subordination to the Spanish force? Did the noble Lord see no difference between Napoleon and Don Carlos?—no difference between the force of the enemy in the former case and the force to be provided against in this instance. The noble Lord said, if we were to have war, let it be on a grand and effective scale; but if it were found, as was the case, that much good was done by a small force, and a slight expenditure, surely this was matter rather for praise than for blame. The noble Lord had adverted to statements made in the French Chamber, relative to communications which had passed between the two Governments of France and England on a former occasion. The circumstances were these:—In 1835 the French Government asked us whether we thought it expedient that they should send a large army into Spain, for the purpose of co-operating on a great scale with the queen, and the reply stated that, in the opinion of the English Government, it would be inexpedient to take such a step. In 1836 the English Government stated that it appeared to them that if France, without embarking in any operations of great magnitude, would advance the cordon of her troops then stationed on the Spanish frontier, to prevent any intercourse between the two countries, two or three marches into Spain, this proceeding would effectually answer the purpose which France was bound by the treaty to accomplish, and that the English Government considered it expedient that this should be done. This was what had been alluded to by the noble Lord, and it was a proceeding quite distinct in its nature from interference or co-operation, for it merely advanced the cordon of French troops a few marches into the Spanish territory without necessarily embarking them in any hostile operations. The noble Lord declared himself justified in imputing to the Ministers, and particularly to him, all the evils which would have arisen from this operation had it been carried into effect. He was therefore justified in claiming for himself from the noble Lord credit for all the advantages which he conscientiously believed would have resulted from the operation had it been undertaken, for he was well convinced that, had it been adopted, things would have been at this moment in a very different situation. The noble Lord had said, that the Government of this country was so fond of revolutions that it had given the co-operation of a naval force to support the revolution of La Granja; but it so happened that the naval force began its operations several months before that revolt took place. It could not be supposed that the Government of this country viewed with pleasure a military revolution producing such consequences as that of La Granja; but at the same time it could not be maintained that on account of that revolt we were to withdraw from the execution of our past engagements, and to break faith with the Queen of Spain. Because she had been unfortunately coerced by an insurrection of her own subjects, was she also to be abandoned by her allies? Had this view been adopted and acted upon by the British Government, then, indeed, would it have justly exposed itself to the censures of the noble Lord. And what was this insurrection, and to what did it owe its origin? Why it sprung from the discontent of the Spanish people at the prolongation of the war, from their seeing—or at least believing they saw—that they were not faithfully served by their government, and that the war was not carried on with sufficient vigour by that government. He firmly believed that had the government of Señor Isturitz possessed more of the confidence of the people in reference to the conduct of the war and to the interior management of the country, the insurrection of La Granja would never have taken place. But the House would observe that it was not that particular insurrection which decided the adoption of the constitution of 1812. For there had previously been serious movements in all the great towns in Spain. Further let him remark, that constitution had not practically been adopted by Spain as its permanent constitution. The Cortes assembled under it had applied themselves with great judgment, calmness, and prudence, to the labour of remodelling and modifying that constitution; and though, doubtless, the constitution finally determined upon would not be the estatuto real, neither would it be, in many particulars, the constitution of 1812. It was highly inconsistent on the part of the noble Lord, while claiming for the Government of which he was a Member the merit of faithfully and fully executing the engagements by which this country was bound, in the same breath to blame the present Government for doing that which it would have been incumbent even upon the Government of which the noble Lord formed a part to have done had it remained in office and really acted up to those engagements. The noble Lord asked what had we gained by the assistance we had given to Spain; for had not our merchants been insulted and our commerce impeded. Now, if the noble Lord had applied his remark to the period when Ferdinand was on the throne of Spain, it would have been well-founded enough; for though we were then, as now, in alliance with Spain, not only were our merchants trading there exposed to the greatest vexations, and compelled to submit to exactions from which by treaty they should have been exempt, but our commercial vessels were piratically seized upon by the *Guarda Costas*, and confiscated by judges interested in the division of the spoil, without our merchants having the slightest practical chance of redress. He did not mean to say that cases of injury to our traders had not occurred since the time of Ferdinand, for a system of this sort, when once established, was not easily got rid of, and it was the misfortune of Spain that the orders of its government were not obeyed as they ought to be by the local authorities; but of this he was sure, that the number of these cases had become very greatly diminished, and that the complaints of our merchants were now fully attended to; as an instance of which he might mention, that not two months ago our Minister at Madrid had obtained for British subjects an exemption from the tax levied for the support of the war. These advantages, however, were small in comparison with those which we might confidently expect to enjoy when a constitutional government should be permanently established in Spain. When Spain should have become one of the constitutional states of Europe, there was not the slightest doubt but that in a very few years we should enjoy a greater intercourse with Spain than had ever hitherto existed, and very much greater than could possibly have been expected had a government such as that of Ferdinand continued. The noble Lord said, that the commerce of France and America obtained from Spain a protection not accorded to England. He denied this position: our commerce was equally protected with that of any other country. The noble Lord further complained that England had not the influence with Spain which she ought to possess. This was a favourite topic with the opponents of Government. What did the noble Lord mean when he talked of our influence with foreign countries? Did he mean by "influence" the power of dismissing one minister of a foreign country by underhanded intrigues, and of substituting another by means equally discreditable? If that were the kind of influence contemplated by the noble Lord, he was happy to assure the noble Lord that the present Government of this country exercised no such influence over foreign governments. It was a species of influence, indeed, which he trusted no former Government had exercised. But if by influence the noble Lord meant respect for the English nation, readiness to redress any injury which might be complained of, continued acts of kindness, that was a species of influence which England had to the fullest extent with Spain; and the noble Lord had but to look at the papers to assure himself that, as far as good feeling and true respect went, our influence with Spain was as great as any man could wish it to be. The noble Lord had asked whether the assistance afforded by England had been of any assistance to the liberties of Spain? This was a question satisfactorily answered in the deep gratitude which every good Spaniard felt to England for having granted that assistance. The noble Lord complained that the English forces were in Spain in a subordinate capacity. For his part, it appeared to him far best that the British forces in Spain should act in a subordinate capacity, for it was most desirable, if liberal principles and the cause of Isabella, were to be triumphant, that that success should be mainly the result of Spanish exertions; and that, if a constitutional government were to be established, it should not have the character of being imposed on the Spanish people by the forces of a foreign power. It was with this feeling that it had been determined by Government to confine its assistance to a naval force, because this was a species of force which could not exercise any interference in the interior of the country. A disputed succession had always been among European nations considered a matter not merely involving the interests of the particular kingdom, but also a question of general interest. In this case England had not interfered in the internal affairs of Spain, in the ordinary sense of the word, nor for the purpose of imposing on the Spanish people a government or constitution which they had not themselves adopted. The interference here was not of that kind which it was apprehended that the government of 1830 was about to exercise in Belgium, for the purpose of preventing the Belgians by an overwhelming force, from assuming that political condition which they were desirous of acquiring. It was a fact that the question who should be sovereign of Spain was one seriously involving European interests, as determining what should be the foreign tendencies, and who the foreign allies, of Spain. In former periods Spain had been connected with different countries; at one time with Austria at another time with France; the object was, that for the future there should be neither an Austrian Spain nor a French Spain, but a Spain which should be Spanish; and it appeared to him that those who did not regard this object as one of the highest importance, took but a very short-sighted view of the true interests of England and of Europe. If Spain was to be considered important in the balance of power, it was for the interest of Europe that she should be rich and independent. It was clear that under a government such as that which existed in the time of Ferdinand, Spain could not be rich, powerful, and independent. The noble Lord had stated, that the degradation which had fallen on Spain had been induced by the long continuance of arbitrary government, and he quoted this as a reason why it was vain for us to think that by any assistance which we might be able to offer, Spain could be retrieved from the abasement into which she had fallen, and regenerated as a distinct power which should be an ally of this country. He by no means despaired of seeing such a result accomplished. He saw a great progress made already towards its accomplishment; and he could tell the noble Lord that if Spain should establish herself as a free and constitutional government, and if she should be, substantially independent, then we should find her useful to the great interests of Europe in maintaining the balance of power; and a valuable friend of England with respect to our commercial relations. He could not help expressing his regret that Gentlemen on the other side of the House should, in all views of our foreign policy, seem to sympathise with arbitrary and despotic governments, that they should consider as extraordinary every endeavour to establish freedom, and that they should condemn those individuals who would afford any moral aid or give any co-operation to assist foreign nations in reforming their governments. Who was it that continued to favour Dom Miguel up to the last moment when it was possible to hope for his success? They stated, themselves, that Dom Miguel was a usurper, but cherished him because he was a despot. There was not one of the Gentlemen opposite that would venture to acknowledge in his seat that he respected Don Carlos. And yet they wished for his success. And why was it? Was it because he, too, would be an usurper if he could? He did not believe that this was the reason. Was it, then, because Don Carlos in his modest retirement—that expression seemed to give great satisfaction to the hon. Member for Sandwich—was it because in his modest retirement in Biscay, where he had remained for the space of three years, he had done no one thing that would hand down his name in history, except issuing the assassination decree of Durango? Was that the reason why Don Carlos was especially supported by the Gentlemen on the opposite side of the House? He did not believe it. He was sure that those hon. Gentlemen were as much disgusted as they said they were at that abominable proceeding, a proceeding which, he must be allowed to say, was not, as was sometimes represented, a dead letter, for it was only a fortnight ago that four British subjects were most barbarously murdered under that decree. Yes; four men of the British legion, who had wandered from their quarters, unarmed and defenceless, were surprised by a party of Carlists, and shot within four and twenty hours. He must, however, state, and he hoped it was true, that, to the honour of the Carlist army, but to the disgrace and dishonour of the chiefs of that army, the two officers who commanded the Carlist detachment, and who, after much difficulty, had succeeded in persuading the men to execute this bloody murder—these two officers were compelled by the general indignation of the troops to go away to Bayonne, and to quit the army in which they had been guilty of such butchery. He did not believe that it was on this account—he should be ashamed to suppose that it was from any feeling in favour of Don Carlos—no, they opposed the endeavours of the government, because they strove to improve Spain by supporting the establishment of liberal and popular institutions. He called upon the people of England to look at the proceedings and opinions of the two sides of the House. If the people of England wished to know the opinions, the real sentiments of men in that House, let them look at their foreign policy. Gentlemen well knew that there were many circumstances which controlled sometimes the opinions and sentiments of parties, with respect to home politics, and compelled them to do things that they did not wish. Of this there were many examples, and none more so than the conduct of the Gentlemen opposite when last in power. They were then compelled to do many things they disliked, and if they had remained in office they would have been forced to do many more. When he saw Gentlemen on the other side of the House espousing the cause of the man who is endeavouring to withhold the benefit of free institutions from Spain, he must say that he looked with a little distrust and caution at the assurances they gave of their extreme readiness to contribute towards doing away with every proved abuse that existed in their own country. When he found those Gentlemen supporting that Prince who, as was believed by all Europe, intended to establish the Inquisition as soon as he should arrive at Madrid: what, could he think of the anti-Catholic cry which, on every occasion, they were ready to raise? Was this conduct, to say the least of it, consistent? The Ministers had been accused of favouring revolution. That accusation was entirely unfounded and unjust. They had, indeed, given their moral support to the Spanish nation, which was endeavouring, of its own accord, to improve its institutions, and to imitate the proud example of this country, by obtaining the inestimable privilege of a representative Government. They had given Spain that support which they were bound to give, during the period they had had the honour of administering the affairs of this country: the principle of rational liberty had made great progress in the different countries of Europe; and this country had given its support to that principle. They might boast of the emancipation of the Greeks; for though another Administration had had a share in the arrangements, the present Administration had brought them to a conclusion. They might boast, that during the period they had been responsible for the conduct of the affairs of this country the people of Belgium had become free, independent, prosperous, and tranquil. That Portugal, which had been even worse governed than Spain, whose great natural resources were entirely crushed and rendered unavailing by a long continued system of mis-government—that Portugal had at last established a free constitution, and was ready to profit, by her alliance with this country and Spain. Notwithstanding the discouraging prediction of the hon. Member for Sandwich, he might be allowed to hope that Spain might yet follow the example set by Belgium and Portugal, and that she might become, with the assistance of England, what she was in former times, a great and powerful member of the European community; and if she should do so, it would be, not from a system of revolution and anarchy but by regenerating her ancient institutions, modified by the altered state of society in the present times: and if in any degree, however humble, he should be instrumental in this great work, notwithstanding the taunts to which he had been exposed, and notwithstanding the condemnation of the noble Lord (Mahon) and the hon. Gentlemen on the opposite side of the House—if he could claim any part, however humble, in such a triumph he should feel it a high honour, and should find in it a source of proud satisfaction to the latest hour of his life.

Sir *Robert Peel* said, that the noble Lord had, on this occasion, pursued the course which he could say, from experience, the noble Lord had uniformly pursued, and with the same result, whenever the foreign policy of this country was brought under consideration. After having spent three-quarters of an hour defending his policy, and having put one-half of his supporters in a comfortable state of repose, and not having gained from the other half a single sympathetic cheer in favour of his acts, he then found it necessary to disturb the somnolency of some and to excite the enthusiasm of others, by imputing to his opponents a participation in the love of despotism, as if it were necessary to be partisans of Don Carlos because they disapproved of the policy of the noble Lord—as if it were not possible to entertain a doubt about the justice of the noble Lord's acts, and the result of his foreign policy, without, at the same time, wishing to check the career of improvement in Spain, and to blast her hopes of acquiring settled and constitutional institutions. He, for one, openly disavowed all participation in the principles, or sympathy with the cause of Don Carlos. He was only repeating language he had emphatically used before. If he acted in the fulfilment of a treaty, by which the Queen of Spain was recognised as the ally of this country, was it necessary to claim credit for not entering into any secret artifice for the purpose of preventing her success? He would not say that the objects of British policy would be advanced by the success of Don Carlos. He begged to state also, distinctly, that he wished to see Spain enjoy settled liberties, and that under such institutions as may be most conducive to her happiness, and best calculated by their slow progress to establish her settled freedom. But, while he entertained these opinions, at the same time, he must tell the House that he believed that our policy was defeating the cause of improvement—defeating it by our meddling and interference, and our deserting the principle of our support, namely, the principle of non-intervention; and by our having taken a course neither calculated to raise the character of England, nor to acquire the affections of Spain. The noble Lord had twice intimated that his noble Friend had regretted the gloomy prospects of despotism. His noble Friend had expressed no such regret. Had not the noble Lord himself, at the conclusion of his speech, stated that his noble Friend had declared that Spain had been reduced to the state of degradation into which it had fallen by the long continuance of arbitrary government? The noble Lord had twice repeated this passage in his noble Friend's speech. How then could the noble Lord feel regret at the partiality manifested by his noble Friend for despotism? The noble Lord had told them what were the objects of the Quadruple Treaty; he would like to hear the noble Lord declare whether the objects of that treaty had been fulfilled. At the same time, he must again repeat that that treaty having been ratified, must, in his opinion, be fulfilled; and that not only in the letter but in the spirit. But he must say, that it was competent for him to entertain different opinions from the noble Lord as to the original policy of that treaty. The noble Lord had told the House that the objects of that treaty were four or five in number. The first was to protect the interest of our commerce in the Peninsula. He would ask the noble Lord how far had he succeeded in that object? The noble Lord had stated, that the British merchants in Spain were all satisfaction. The noble Lord would have an opportunity of giving a distinct opinion on that head very shortly, as he believed that an hon. Friend of his intended to bring under the notice of the House, in a separate discussion, apart from politics, the present state of our commerce in Spain. Did the noble Lord mean to say, apart from the complaints of our merchants, that the general policy of Spain towards this country was favourable? Did the noble Lord mean to say, that the feelings of the inhabitants of the Peninsula had been improved very much towards this country? Look to Portugal. Did the noble Lord pride himself on our commercial prosperity there? Since the establishment of the noble Lord's free institutions in Portugal, since the triumph of the cause of Donna Maria, did the noble Lord mean to say, that the trade of this country had been put on a more favourable footing? There had been universal complaints on the part of the merchants of this country of the hostility manifested towards the commerce of England. The original object of the Quadruple Treaty was to furnish naval aid for the purpose of effecting a blockade. It was discovered that they had no right to establish a blockade, that it was against the law of nations. The aid to be afforded to Spain was simply naval aid; but how could the noble Lord reconcile with the treaty the suspension of the Foreign Enlistment Act, by which 10,000 of our own forces were sent to the armies of the Queen of Spain. They had afforded, therefore, military aid—but to one of the belligerent parties only. These forces were nominally in the pay of the Queen of Spain if they received any; but did not this country supply them with arms, ammunition, &c.? The noble Lord wanted to establish free institutions in Spain. Was the noble Lord delighted with the institutions he had established in Portugal? The noble Lord had afforded his moral aid as far as he could go. If the noble Lord was satisfied, what was the object of having six sail of the line in the Tagus? Was it to protect British merchants? There was an example of the prepossession in favour of the English name in Portugal. This was the affection and love which Portugal bore to the British name! In consequence of our former interference six sail of the line were requisite in order to protect the persons and property of British merchants. Another object of the noble Lord was the pacification of the Peninsula. Had the noble Lord succeeded in this object? No man of truth could assert at that moment that Spain was in a better state with respect to internal pacification than before we interfered at all. The noble Lord spoke of the horrors committed by Don Carlos, and of the application of the Durango decree to British soldiers; and he had introduced it for the purpose of eliciting a cheer from his own side of the House. Why did not the noble Lord inquire into the details of the abominations that had been committed on the other side? Why did he not mention the murder of the mother of Cabrera? He asked the noble Lord, and the House, whether these scenes were not the result of the noble Lord's own policy? He asked the noble Lord whether any man could rejoice in such abominable and sanguinary excesses? The noble Lord said, the object of our intervention in Spain was for the purpose of giving Spain an established and settled form of government. Had Spain, in consequence of our intervention, a greater prospect of obtaining established, settled, and permanent institutions. The noble Lord had talked of the universal respect entertained for the British name. Did the noble Lord mean to say, that the people of Spain cordially co-operated with General Evans? Had they not shown a manifest jealousy of the gallant troops of England? Had they not shown a manifest reluctance at their triumphs, and an aversion that her institutions should be established by their means? Their interference had been attended with no good result in Spain up to this moment, and had not in the slightest degree tended to the establishment of a settled form of government in that country. The noble Lord said, that our past policy had been most wise; that by confining our exertions to naval assistance, we had rescued ourselves from the risk of mixing this country up in the civil contests of Spain. If this were the opinion of the noble Lord, it was not the opinion of the author of this pamphlet on the affairs of Spain, of which the noble Lord, though he said he was not the author of it, at the same time avowed that he adopted all its sentiments. According to the policy of this writer, whose fame the noble Lord envied so much, as expressed in the concluding paragraph of this pamphlet, which would now derive additional weight and importance from the opinion expressed upon it by the noble Lord—according to the concluding paragraph of this pamphlet, the author appeared to be so distrustful of the success of our naval co-operation that he said—" A few troops sent to Spain, to which Spanish divisions would be attached, and a guarantee of a loan for which ample security would be given to us, are all that is wanted to make Spain tranquil, and England even more honoured and respected than she already is." Naval co-operation, it appeared then, was not sufficient; it was not so wise as the noble Lord had described it. If the noble Lord would but consult this pamphlet, of which he wished he was the author, he would find that a few troops, not acting by virtue of the suspension of the Foreign Enlistment Act, but marching under the flag of England, were required to form the nucleus of the Spanish army, and a loan for which England was to be the guarantee, in order to accomplish the tranquillity of Spain. The writer of this pamphlet then proceeded to observe: " We repeat the hope that such a measure may be proposed by the Government to Parliament, or by Parliament to the Government, and, that it may be executed with the energy and determination that should always characterize the policy of England." The noble Lord was of course waiting till this loan and this military co-operation were forced upon him by Parliament. He fancied that the noble Lord would have to wait a very long time before such would be the case; and if the noble Lord, tired of waiting, were, *proprio vigore*, to make such a proposition to Parliament, which had shown itself unwilling to originate the measure—if the noble Lord did so, he thought he could venture to assure him that, the same congratulations which he had to-night heard from the hon. Member for Shaftesbury, the same *curiosa felicitas* which had distinguished his labours on the present occasion, would attend him when he made his proposition for a levy of 10,000 men, and a large loan upon our guarantee. The noble Lord said, that one object of the Quadripartite Treaty was to consolidate and cement our alliance with France. He should rather gather from the language of the noble Lord to-night that this great and paramount object had not been altogether attained by it. The noble Lord further asserted, that our alliance with France was founded upon a consideration of mutual interests and an identity of institutions. [Mr. *C. Wood*, "He said nothing about that."] The hon. Gentleman declared that the noble Lord had said nothing about it. He feared that the Secretary for the Admiralty had been visited by that fit of somnolency to which he had already alluded during great part of the noble Lord's speech, reflecting, probably, that the estimates were the proper subject of debate, and that all the various topics which had sprung up on the occasion had very little to do with the matter. He begged to assure the hon. Member, however, that the hon. Gentleman was wrong. The noble Lord did state that an intimate alliance subsisted between the people of England and of France, founded upon institutions of a similar character and an identity of interests. He agreed in the hope expressed by the noble Lord. He sincerely trusted that the good understanding between England and France might be founded upon an intimate and sound feeling of good will and mutual interest. He did hope that the national jealousies which had so long subsisted between the people of these two countries were daily vanishing under the genial influence of a better knowledge of each other's character, and a proper regard for their respective commercial advantages. He believed that a good understanding with France was a matter of very great importance to this country, and he should be glad to see it promoted by every means in our power. But he did not think that with a view to confirm this friendly understanding it was necessary to adopt a treaty, binding this country to interfere in the affairs of Spain. There was some reason to fear that the treaty had not been religiously adhered to. At least there was, he must say, an extraordinary absence of all mention of the co-operation of France in the Speech of his Majesty at the opening of Parliament, while, on the other hand, there was a paragraph in the Speech of the King of the French, at the opening of the Chambers in Paris, which, without being intended to cast the least stigma upon our policy, certainly pointed in unequivocal terms to the inexpediency of any nation permitting its subjects to appear as soldiers in another country under any other colours than its own. That paragraph, to say the least of it, was calculated to awaken some unpleasant reflections in the minds of all Englishmen who read it; and added to the marked silence of all mention of our good understanding with France in the Speech of his Britannic Majesty, and the strong terms of reproach on the conduct of the French government in respect to that treaty contained in this pamphlet, of which the noble Lord wished so much he had been the author; all these circumstances, taken into consideration, must lead one to the unwelcome suspicion, that, as far as our good understanding with France was concerned, this Quadruple Treaty had not been quite so successful as had been anticipated. He did not concur with those who complained of the conduct of France in this affair, or think that there was any just grounds of complaint against France for having violated the obligations which she took upon herself by that treaty. When the noble Lord proposed to France that she should march into Spain and occupy certain parts of that country, the noble Lord might argue that that did not amount to a co-operation with Spain; he might call it translimitation, or any other name he pleased; but he was rejoiced that France had not taken the noble Lord's advice, and had refused to march into Spain as the noble Lord desired. He rejoiced at it because the experience of all history, and that of Spain in particular, taught them that though France might march into the Spanish territories, and by so doing succeed in producing a temporary adjustment of hostilities, that adjustment could only be temporary, and would not end in the permanent establishment of good and independent government. That, however, was the object they ought to have in view—not such a system of government as they might fancy abstractedly the best, but such as might best suit the character and manners of the Spanish people. He wished to see as little despotism enter into the scheme of such a government, and as much liberty as the genius of the people would allow of; and, in fact, that the result should be to lay the foundations of liberty, concord and order. What he, (Sir Robert Peel) doubted was, whether this desirable consummation was likely to be attained by this treaty, which bound England to a certain line of policy; and least of all had he expected such a course to have been espoused by the noble Lord opposite, who had so frequently lauded the principle of non-intervention in that House. He thought it had been clearly laid down by Mr. Fox and all the other Whig authorities, that whatever might be our advantages in trade or our own domestic policy, we were not to attempt to impose them upon other countries, but to leave other people to judge what institutions were most congenial to their circumstances. He believed that this principle was a wise one, subject of course to certain exceptions. In Portugal, for instance, from our peculiar commercial arrangements with that country, and by our treaty of offensive and defensive alliance with her, we were bound to defend her from foreign attack; but even this arrangement gave us no right to interfere in the internal policy of that country. But with Spain we had no such treaty, and certainly had no right to interfere there in a question of succession to the crown. It might be very true that the inhabitants of the Basque provinces were very unwise in choosing to retain their peculiar privileges to the exclusion of the rest of Spain; it might be desirable that they should entertain the same doctrines on the subject of free trade as the right hon. President of the Board of Trade; but that was no reason why we should make war upon them. It was from no mercenary views that they rallied round the standard of him whom they conceived to be their legitimate sovereign, and every one must regret the obstacles which such conduct threw in the way of the peaceful settlement of Spain, he (Sir Robert Peel) must still regret, that foreigners and particularly countrymen of his should be engaged in destroying men who were acting upon conscientious motives, and in the discharge of what they conceived to be their duty. He did not believe that from a force so employed any ultimate good could result. If Spain was divided between two parties, the one perfectly contemptible in numbers, and occupying but a few square leagues, as was alleged, why could not the Queen's government by her own exertions establish its power? The noble Lord admitted that Gomez marched all through Spain, and that he met with no insurrection; but the noble Lord said he found no support. The noble Lord said, that when Don Carlos kept to the mountains he was secure, but when he ventured into the plains he was to be crushed at once; but Gomez had marched through the whole of Spain; and this was urged by the noble Lord as an argument that Spain was in favour of the Queen. Either he must think that Gomez was gifted with a military genius amounting almost to inspiration; or else, which seemed probable, he must have found efficient aid in some lurking attachment to the cause to which he was engaged. Be this as it might, either one party greatly preponderated over the other, or were pretending, in the language of churchwardens, "to abate a nuisance" in Spain. But we were first to determine what was a nuisance? And when we had done that, would the noble Lord state one reason why England should put itself forward to abate a nuisance in Spain? But if it were, a mere nuisance,—not a civil war, but something in the nature of one,—why could not the government of the Queen of Spain, with the good will, according to the noble Lord, of all the great towns and all the landed proprietors of the country in its favour,— why could not the government in possession put it down? Or would the noble Lord account for this phenomenon—would he tell the House how it was that 10,000,000 Spaniards did not rally, and, by a single effort crush the "rebel force" of 30,000 men? His noble Friend (Lord Mahon) had very sensibly asked how it happened, that, out of that army of 30,000 men, 313,000 should have been returned, on the authority of the Spanish government, as the number of the Carlists killed? He would tell his noble Friend why this was so. It was because this country had already supplied 313,000 muskets; and that was the precise number as he would find by the printed return,—and it was probably deemed but a decent compliment to give the credit of one death to each British musket. However, if the fact were, as they on that side of the House concluded, that Spain was at present unequally divided between two principal parties, one of which could not overcome the other except by assistance from Great Britain, of arms, and men, and military stores; he said, that the history of all European countries—but that of Spain in particular—led him to entertain the apprehension, that, although our arms might establish a temporary peace in Spain —although by the moral aid and joint political exertions of France and England, they might put down Don Carlos, and sweep the provinces of Navarre and Biscay of all the irregular troops which now occupied them, they would never by such means, establish permanent tranquillity in that country. He entertained, he repeated, the most serious apprehension, that the government which was to succeed, founded as it would be on the intervention of foreign bayonets, would not, in the end, lead to so settled and permanent an establishment—would not give such lasting securities for the preservation of liberty and order, as it would have combined if England had permitted these parties—relying on their own energies, and not taught to repose a false confidence in foreign interference and our assistance to settle their own disputes, and if England had allowed their government a period of twelve months to take root in its own soil, in the affections of its own people, without any attempt at intervention. In that case the stability of such a Government being founded upon the efforts, and sanctioned by the attachment of the people, would have supplied far greater security for liberty, and peace, and order, than any foreign intervention could ever afford.

Mr. *O'Connell* begged the House to spare him a few moments, and he would express his opinions as shortly as possible. The debate had wandered a good deal from the subject since the speech which had opened it, great part of which was taken up in discussing the nautical alliance. The right hon. Member for Tamworth rebutted the charge of having taken any part in the intervention carried on in Spain, and above all boasted of giving no countenance to Don Carlos. If the fact were so, the right hon. Gentleman gave a sentence of condemnation to many of his Friends, whose love for Don Carlos was open and undisguised. The right hon. Baronet, in the speech which he had just made, had thrown Don Carlos entirely overboard, and yet he was cheered in so doing by hon. Members whose love for that individual was such, that their desire to vindicate the purity of his character was the main cause of the present debate. The noble Lord, however, who began the debate had answered himself on many points; but he could not understand how it was that he should protest against intervention in the one case, and justify it in another. The hon. Member for Dover spoke of his love of monarchy as the origin of his interest in Don Carlos, and although the noble Lord, who opened the debate, praised the gallantry of the Spanish troops in former wars, and declared that they stood in no need of assistance from the Duke of Wellington, he did not think that the right hon. Baronet who last spoke acquiesced in that view of the case. The right hon. Baronet was perfectly silent on the subject of Belgium, which had grown and prospered under the principles of the present Administration. Portugal he did mention; but did he say anything of supporting the liberties of that country? No, there he was silent. But after all what was the great matter of regret? Was it the cruelty practised in this cruel warfare? All ought to combine to put an end to such outrages on both sides; they ought to regret the duration of the contest, and use every means to bring such cruel scenes to a close. The hon. Member for Sandwich dilated on the cruelties committed by the Christinos, forgetting the cruelties committed on the other side. He called to mind the atrocities committed at Barcelona, forgetting that 170 citizens had been flung from the top of a tower by the Carlists, and those who had still had life in them were stabbed to death. That was conduct which well entitled the hon. Member for Sandwich to display his enthusiasm for Don Carlos. He called to mind the execution of Cabrera's mother—a crime for which the memory of Mina ought ever to be held in detestation. But what did Cabrera do in revenge? He murdered thirty innocent women; and whatever might be the virtues of his mother this deed of cruelty proved that she was capable of producing a monster, and this monster was still in the service of his master—of that Don Carlos eulogised in a British Parliament, and whose walls were polluted with the praises of the master of Cabrera. The conduct of Zumalacarregui was no less atrocious. On one occasion he ordered a number of men who attempted to escape, to be shot, but he was told the reports of the muskets might alarm the Christinos who were in the neighbourhood. "Then (said he) put them to death with the bayonet;" and by the orders of the monster they were bayonetted; yet there were men who wept in tears over the death of such a monster. Oh! let it not go forth that in a British House of Commons the man should be eulogised who had been guilty of such barbarous cruelties. He did not blame his followers, so much as he blamed those who, in a set speech, displayed their enthusiasm for that barbarous chief. But there was another remarkable case, the murder of a young lieutenant who had fallen into the hands of Zumalacarreguy; that leader wished to spare him, but he received an order from Don Carlos to shoot him in a few minutes, and in half an hour he was shot by order of Don Carlos, and that was the man praised in a British House of Commons, that was the blood-stained monster who, however little title he had "would wade through slaughter to a throne." And were they to submit to a solemn speech of an hour's length, gravely dedicated to such a purpose? All were degraded who listened to such a speech. And whose fault was it that these atrocities were not put an end to? That despicable politician, the accidental King of the French—he who had no claims to legitimacy—he who was put on the throne by a revolt, and who had profaned that throne by trampling down the liberties of the people, and abolishing two of the constitutional rights on which his throne was established, and which were guaranteed by treaty—the freedom of the press, and trial by jury,—that was the man who prevented the termination of this unholy contest, and who, by his despotic conduct, showed that he was both treacherous to his Friends and useful to his enemies. He had not the manliness to take part with Don Carlos openly, he did it covertly. He signified through his minister, that if the coast were well guarded by British ships, the supplies of the Carlists would be stopped but he did not prevent them from passing the frontier of France. He sent troops to the foot of the Pyrenees—troops well armed and well disciplined, under pretence of sending them against Don Carlos. Did he order them to march against him? No—he ordered them to be disbanded, and they walked over the frontier and joined Don Carlos. If the King of the French had acted openly and manfully, he would not have blamed him; but he had the meanness to profess to assist the Queen, while his real object was to assist Don Carlos. But Louis Philippe was playing a double game, full of danger to himself—and any danger to him he should not regret—his regret was, that by any great convulsion in that country, a brave people should, by his despotic conduct, be driven into another revolution which might disturb the social state of all the kingdoms of Europe. But the hon. Member for Sandwich endeavoured to justify his enthusiasm for the cause, by saying that Don Carlos was a sincere Catholic and the Bishop of Leon was against the inquisition, and in the course of his remarks he had charged him with having paid his court to Don Carlos.

Mr. *Grove Price:* What I said was—Has not the hon. and learned Member had an interview with Don Carlos?

Mr. *O'Connell:* I never visited Don Carlos. I never saw him in my life. I saw the Bishop of Leon—and how? He wished me to call on him, and I declined. He then said he would call on me, and he did call, with an interpreter, who had only one fault as an interpreter, he knew neither Spanish nor English. The Bishop knew nothing of French, and he endeavoured to converse in Latin; but owing to the Spanish tone in which he pronounced the words, I could understand very little of what he said, and remember only the words *religionem Catholicam et purgatorium.* Well, I was asked to return the visit. I did not return it; but the bishop visited me again, and I certainly did everything to get rid of him as soon as possible, but not half so soon as I wished, and that was all the correspondence I had with the court and camp of Don Carlos. The hon. Member for Sandwich (continued Mr. Connell) in his enthusiasm for Don Carlos and the Bishop of Leon, boasted that they were both hostile to the inquisition. Now, what was the fact? Ferdinand, as well as Don Carlos, never gave up the idea of the inquisition. Ferdinand applied to three popes to get their sanction, and three popes successively refused, and they had the right of refusing, because the inquisition is a lay tribunal, and the pope could prevent any ecclesiastic from officiating; that was a fact which should excite the enthusiasm of the hon. Member, not for Don Carlos, but for the pope. In short, Don Carlos assumed the mask of great solemnity and regard for religion, and the hon. Member argued, that because he was so good a Catholic, the crimes which had been committed against the Christinos could not have been sanctioned by him. But had not the hon. Member heard only the other day, that four Englishmen, who had strayed out of their course, had been shot by order of Don Carlos? And yet an Englishman could talk of his enthusiasm for Don Carlos! Shame on such enthusiasm, and shame that it should go abroad that such things were praised amongst us! Some Gentlemen took great interest in the success of Don Carlos, the sincere Catholic in Spain, but refused justice to Irishmen because they are Roman Catholics; and why did they support the one and oppose the other? He would do them the justice to say they did it not out of love for Catholicism in Spain, but out of love for despotism. The hon. Member for Sandwich argued in favour of the right of Don Carlos to the throne, and contended that his title was beyond all doubt. Now nothing could be more unfounded. The Salic law was not originally the law of succession in Spain. The house of Austria founded its claim to the throne of Spain through the line of female succession. Philip of Anjou mounted the throne in the right of his mother, and Isabella was succeeded by Joanna. In 1713, Philip of Anjou abrogated the old law, and how? He did not summon the Cortes to decide the question, but he sent round circulars calling on them to give their votes for or against changing the line of succession. They did so, and how did the Monarch prove that they were in favour of his proposition? Why, by burning all the letters sent by the members of the Cortes. That was the origin of the Salic law in Spain, and compare that with the origin of the law which excludes Don Carlos from the throne. The female line of succession was sanctioned by the Cortes at various periods—it was sanctioned by the Cortes in 1812—it was sanctioned a short time before the death of Ferdinand—it was sanctioned by the last Cortes, and yet on such a title as that on which Don Carlos founds his claims he was to be justified in committing murder. The Kings of Spain were called the sons of the Church, and how did they treat that Church? Ferdinand during his reign, mulcted the Clergy of Spain 75 per cent. on their ecclesiastical revenues. That was the advantage of having the Church connected with the state—a connection which should be dissolved in every country for the purity of one and security of the other. In conclusion he would only say, that whether Don Carlos was Catholic, Presbyterian, or Protestant, he was not a good Christian.

Viscount *Sandon* said, the hon. Member had complained of the kings of Spain for taking from the clergy seventy-five per cent. out of their incomes; but was there not a country nearer than Spain where the clergy were deprived of a great portion of their incomes, and reduced to the greatest distress, by the endeavours of the hon. and learned Member? Let him not throw all the blame of the atrocities of the Spanish war on Don Carlos, or ask in a triumphant tone why had not these instruments of cruelty been dismissed by Don Carlos? Had the Christino leaders, guilty of cruelty, been dismissed? He was no party man of either Don Carlos or Queen Isabella, neither did he think the interest of either was the compass by which they were to steer. He only considered the interests of his own country. But while the hon. and learned Member talked of the atrocities committing in Spain did he forget that the Government of this country had allowed British subjects to take part in a war in a country where they were without the protection of the British flag. The hon. and learned Member, whose humanity seemed to have taken the alarm, talked of nothing but atrocities and blood; but these were expressions with which he was familiar. He repeated, that blood and murder were words familiar to the hon. and learned Gentleman; but when he talked of Spain did he not recollect the unhappy condition to which his own country was reduced? Did he forget the death's head and cross bones? The hon. and learned Gentleman might not have encouraged atrocities, but certainly he had used language calculated to produce them. This was a departure from the debate, but he was not without a precedent for it. It only threw the hon. and learned Member's taunts back upon him, as he was himself in the habit of doing to others. He would not go further into the question than to say that he deprecated the policy of the Government in allowing English soldiers to be exposed to the horrors and atrocities which existed in Spain.

Mr. *O'Connell* begged to be indulged for a moment. What the noble Lord talked of throwing back in his (Mr. O'Connell's) teeth, the noble Lord had created himself. The noble Lord had talked of his virtuous indignation. The noble Lord's indignation was the reverse. It was founded on a mistake. The noble Lord said, that he (Mr. O'Connell) had reduced the incomes of the Protestant clergy in Ireland 75 per cent. Now, did he not support the Bill which went to secure the Protestant Clergy 77½ of their income? But the noble Lord and his Friends prevented that settlement. But the noble Lord asked why he (Mr. O'Connell) insisted on the Carlists being turned out of their service, and not the Christinos. Now, he had never said a word of the kind. The statement of the noble Lord might, therefore be very dignified, but it was untrue; for he had condemned the conduct of the Christinos as well as that of the Carlists. The noble Lord had shown more heat than good sense.

Viscount *Sandon* admitted, that the hon. and learned Gentleman had condemned both sides in the Spanish contest. But he had condemned his (Lord Sandon's) side of the House for praising the one party, and had not condemned his Majesty's Ministers for praising the other.

Mr. *Villiers* observed, that the tendency of such speeches as those of the noble Mover of the Amendment, and the right hon. Baronet was only to cheer on the party they said they were unfavourable to. If any thing could promote the continuance of the civil war in Spain, it was the periodical debates in the House of Commons on the subject. Indeed he had remarked, that whenever the Carlist cause languished, some motion of this sort was always made to revive it.

Viscount *Mahon* stated, that it was not his intention to bring forward any motion on the subject; he was contented with the discussion which had taken place.

The resolution moved by Mr. Wood was agreed to.

The House resumed.

HOUSE OF COMMONS,

Saturday, March 11, 1837.

MINUTES.] Petitions presented. By WILLIAM MILES, and other Hon. MEMBERS, from Finsbury, and various other places, against the Abolition of Church-rates.—By Mr. GEORGE PHILLIPS, and other Hon. MEMBERS, from Stalybridge, and various other places, for the Abolition of Church-rates.—By Mr. W. ROCHE, Mr. HENRY WILSON, and other Hon. MEMBERS, from Boston, and other places, for Repeal of Duty on Fire Insurances.—By Mr. BROTHERTON, from Manchester, for Repeal of Factories Act.—By Mr. J. PARKER, from Sheffield, for Repeal of Duty on Tobacco; and for Inquiry into Mr. Cormick's Case.—By Mr. JOHN BLACKBURNE, from Warrington, Hyde, and Werneth, for Repeal of Duty on Cotton.—By Mr. STANDISH BARRY, from Castletown, Roche, for the Irish Municipal Corporations Bill; and from Hilmichoel, for the said Bill, and for the Abolition of Tithes (Ireland).

THE BREVET PROMOTION.] The Chancellor of the Exchequer moved the Order of the Day for bringing up the Report of Supply.

Mr. *Hume* said, in submitting the motions of which he had given notice, he had no wish to take up the time of the House. All he wanted was, the names of the officers contained in the late brevet, with the names and dates of their commissions, and their periods of service. These data he thought would show, that in the late brevet the public money had been unnecessarily expended, and that the promotions had been made with partiality, and had not depended on the merit of the individual as it ought to have done. The object of his motions was to obtain information on these points, which would show this partiality. He would, therefore, move for "a return of the number of officers in the army of each regimental rank, on full pay, on the 25th of December, 1836; distinguishing the number in each class who held brevet rank in addition to their regimental, and stating also what brevet rank; together with an abstract of the total amount of pay of such officers, for the year 1836."

Viscount *Howick* had no wish to withhold any information on the subjects to which the hon. Member referred, which could be given consistently with the despatch of public business in the offices from which the returns were to be made. All the information relevant to the points on which the hon. Gentleman had sought it, he was most willing to give with that restriction; but he submitted to the House whether, consistently with the despatch of ordinary business in the respective offices, returns could be made such as were sought for in the present, and the other resolutions of the hon. Member, which were to show the particular services of all the officers included in the late brevet. Let the House recollect that in that brevet there were included 440 officers of the line, 129 in the artillery, and 16 in the marines, making in all 585. How was it possible that, in any time which could be available for the object which the hon. Member professed to have in view, these returns could be made? Some of the officers included in the brevet had entered into the service as far back as the year 1774, and one part of the hon. Member's motion required the accounts of the services of each officer in that period; but, supposing these could be given, it would not still comply with the hon. Member's motion, for it would not include the services of staff officers. He would admit that the late promotion did not depend on services, but on seniority. Many officers were not included in the brevet because they had deprived themselves of its advantages by going on half-pay or retired allowance; but all the others were included, according to the general regulations. He repeated, that he had no objection to furnish all the information on these points, and also the regulations on which the late brevet promotion was made, but some parts of the hon. Member's motion he could not comply with, for they were utterly inconsistent, from the time and labour they would take, with the performance of the public business of the offices to which they applied.

On the first resolution being read,

Sir *George Sinclair* said, that the only fault he had ever heard out of doors with the late brevet promotion was, that it had been deferred too long—until many deserving officers, both naval and military, had gone to their graves who ought to have participated in the promotion. He was not desirous to discuss the general question at present. He wished, however, to ask the noble Lord—and he had to apologize for not having given notice of the question—why the name of Sir W. Tuyll had not been included in the brevet? That officer, as he understood, had distinguished himself during a long period of active and laborious exertion in every part of the globe, and was highly esteemed by all those with or under whom he had served. He thought it a case of singular hardship if any regulations existed which could deprive so meritorious an officer of his well-earned meed of reward.

Viscount *Howick* said, that the case of the officer whom the hon. Baronet had named did not fall within the regulations by which the brevet promotion had been decided; but he admitted the hardship of the case, and it would be a matter of consideration whether the particular injury in this case should not be remedied.

Sir *George Sinclair* begged to express his satisfaction at the explanation given by the noble Lord, and he trusted he would lose no time in introducing some measure to remedy the hardship. He had not the honour of ever being personally known to Sir W. Tuyll, and had never seen him to the best of his knowledge; but he was induced on public grounds to notice this case, which had casually come to his knowledge, and he should rejoice in being in any way instrumental in obtaining justice for an officer whose merits were universally acknowledged.

Return ordered.

Mr. *Hume* then moved for a "Return of the names of all officers in the army, promoted by brevet since the 1st of January, 1837; distinguishing those on full, from those on half and on retired pay, at the time of promotion, &c."

Viscount *Howick* would ask the House whether it was fair to take up the time of the clerks, a department already fully employed, with the details which the hon. Member required as to 580 officers. The hon. Member suspected that the late promotion was not fair in three or four instances, and he brought forward this fishing motion, which extended over not alone the officers whom the hon. Member had in his eye, but the whole 580 included in the brevet. Another reason why the hon. Member's motion ought not to be pressed was, that if he (Mr. Hume) intended to found any motion on it this Session, he would defeat his own object, for the

Returns could not be ready in the present nor even in the next year. He repeated, that he had no objection to give information relevant to the subject of the brevet which could be given without interrupting the whole business of the departments from which they were to be made.

Mr. *Hume* said, that if he had called for an account of the services of three or four officers it would seem invidious. He, therefore, moved for an account of all, and the answer he now got from the noble Lord, the Secretary at War, was, that he could not tell the services of any one officer.

The Earl of *Darlington* opposed the motion, to comply with which would require the labour of some hundreds of clerks for many months. There was no service in the world in which less favour was shown in promotion than in the army of England.

Sir *J. Wrottesley* objected to the late brevet, particularly to that part of it by which colonels were promoted to the rank of major-generals, when we had twenty times more generals than we could possibly want. Out of nearly forty colonels who were so promoted, only nine were in actual service.

Sir *H. Hardinge* would not delay the House by going into the details of the motion, but he would say, that since the peace there had been a reduction of about 6,000 officers, and a saving thus made to the public of 1,800,000*l.* a-year.

Sir *J. Elley* regretted that the hon. Member for Middlesex should have selected Major-General Sir Charles Thornton, and called for an account of his particular services. Why not have selected some general officer who was a Member of that House, and could have defended himself against the charge implied in such a motion of having been unfairly promoted? He could tell the reason why this invidious selection had been made of Sir Charles Thornton—it was because he was a dutiful, affectionate, and loyal subject to his Sovereign.

Mr. *Hume.* Who is not a loyal subject?

Sir *J. Elley.* Joseph Hume. [" *Order.*"]

Mr. *Hume.* Sir, I must say, that if ever the hon. and gallant Officer told an untruth, that which he has now uttered is one. I ask, why should the hon. and gallant Officer dare impute to me that I am a disloyal subject? I ask of you, Sir, whether the hon. and gallant Officer has not been guilty of a gross breach of order?

The *Speaker.* There can be no doubt, that for one Member to impute to another, that he is a disloyal subject, is highly irregular, and the hon. Member who has made that imputation, is bound to retract it.

Sir *J. Elley.* I did not mean to charge the hon. Member with disloyalty. I spoke of comparative loyalty.

Mr. *Hume.* I rise to order. The hon. and gallant officer did not use any terms to qualify his allegation. He stated, that the reason why I selected the instance of Sir Charles Thornton, in the return of which I gave notice, and which I intend to move with respect to that officer, was, that he was a dutiful, affectionate, and loyal subject to his Sovereign. I then, perhaps irregularly, interrupted the hon. and gallant Member, by asking—who was not so? To which the gallant officer replied, " Joseph Hume." Sir, I contend that that was a gross breach of order, which fully justified the term I applied to it, and which the gallant Officer is bound to retract.

Sir *J. Elley.* " If what I said was wrong, I beg pardon of the House, and I assure the hon. Member that I had no intention of imputing disloyalty to him in the words which, I admit, I hastily used. I meant to speak of loyalty only in the comparison as between him and the gallant officer Sir C. Thornton." The hon. and gallant Officer then went on to speak of the great services of General Thornton, who had lost an arm in defence of his country, and who was, in every respect, fully entitled to every promotion he had received. The merits of that gallant Officer had had the testimony of one who was almost adored whilst living, and universally regretted at his death—he meant the late General Sir Ralph Abercromby.

Several returns relative to the army were ordered.

Mr. *Hume* then moved for " a return of the names of all midshipmen and officers of the royal navy promoted since the 1st of January, 1837, distinguishing those on full pay and employed, from those on half-pay and retired pay, at the time of such promotion; stating the date of entry of each into the navy, when passed their examination for lieutenants, the several ranks or ratings they have held, the dates thereof, the names of the several ships or vessels wherein they so served, the time each has served on full pay in each rank, and the dates thereof, showing the aggregate time served, the time each officer was on half and on retired pay of each rank, and the aggregate time on half-pay, or retired pay; also the age of each officer at the last promotion, as returned by himself."

Mr. *Charles Wood* objected to the motion, on the same grounds as those urged by his noble Friend (Lord Howick) against some of those already moved.

Mr. *Hume* defended the motion. The information for which he sought was absolutely necessary, and he could not consent to withdraw the motion. The hon. Member (Mr. C. Wood) had not stated any ground why the House should refuse the motion.

Mr. *C. Wood.* One ground on which he objected to the motion, and which he was sure the House would admit, was the immense time it would take to prepare these returns. When he (Mr. C. Wood) saw the notice of motion, he consulted with the chief clerk in the department of Somerset-house, in which the returns were to be prepared; and he said, that they could not be got ready in less than three years and a-half. Another clerk said, that he could not say exactly what time it would take to prepare them, but it could not be less than between three and four years; and let it be understood, that these answers applied to only one-half of the information for which the hon. Member called. He would put it to the House whether it would consent to encumber any public department with the preparation of returns, which must stop all other business? He would contend that the promotions which had taken place, had been conducted on the fairest principles; and in proof of it, would beg to refer the hon. Member to a letter addressed to him by a distinguished officer in the navy (Admiral Napier) who had put the question on its fairest grounds. The hon. Member would there find, that it would be impossible to conduct the service of the navy, unless a number of young officers were kept up. The only thing to object to the late promotion was, that it had been too long delayed. It would be seen that, notwithstanding the promotion, there would be a considerable reduction of the half-pay.

Captain *Pechell* supported the motion, on the ground that the return would show that a great number of midshipmen, after long and meritorious services in that subordinate grade, had attained a very advanced age, without being rewarded by the promotion to which they were entitled.

Mr. *C. Wood* had no objection to grant the return, if confined to admirals, as it could then be made out, without any immoderate delay.

Sir *E. Codrington* said, that the officers lately promoted had only received the reward to which they were entitled by their long services during the war. There had been no promotion for a long time, and it was absolutely necessary to promote young and active officers.

Mr. *Bannerman* said, that though he had the highest respect for the King's prerogative, he did not see why a Committee should not be appointed to inquire into the system of military promotion; and if no hon. Member better qualified than himself took up the subject, he would himself submit a motion to that effect.

Mr. *Hume* said, that as the Secretary to the Admiralty objected to the return, on the ground of expense, if the documents were submitted to his inspection, he would send a clerk to the War-office, and have the returns made out at his own cost. His complaint was, that many who had fairly earned their promotion, had been passed by. The regulations of 1827, he contended, were ruining the navy; and such was the wasteful expenditure of the public money, that a pension for life was granted to officers for a period of service, on an average, not exceeding three years.

Mr. *C. Wood* said, that on the 3rd of January, 1816, the number of officers was augmented to 6,035. On the 1st of January, 1830, when rules were made for the purpose of progressively reducing the list, the number was reduced by nearly 400. Since that period there had been a reduction of 600.

Mr. *Lambton* thought, that promotion in the army and navy was obtained too much by aristocratical or political influence, and he hoped the hon. Gentleman's motion would tend to remedy that abuse.

Sir *Henry Hardinge* opposed the motion, as he entertained the strongest objections to any inquiry on the part of the House of Commons, into the causes of promotion, and disapproved of any attempt to single out invidiously particular cases.

The House divided:—Ayes 17; Noes 66: Majority 49.

List of the AYES.

Aglionby, H. A.
Brotherton, J.
Chichester, J. P.
Codrington, Admiral
Dick, Q.
Duncombe, T.
Gordon, hon. Captain
Grote, George
Hector, C. J.
Leader, J. T.
O'Connell, M.
Rundle, J.
Trelawny, Sir W.
Turner, W.
Verney, Sir H.
Wilks, John
Williams, W

TELLERS.

Hume, J.
Lambton, C.

List of the NOES.

Bailey, J.
Baillie, H. D.
Bannerman, A.
Baring, H. B.
Baring, W. B.
Benett, J.
Boldero, H. G.
Bradshaw, J.
Brownrigg, S.
Bruce, C. L. C.
Buller, Sir J.
Byng, rt. hon. G. S.
Chaplin, Col.
Chetwynd, Captain
Cripps, J.
Dalbiac, Sir C.
Darlington, Earl of
Dillwyn, L. W.
Dundas, J. D.
Elley, Sir J.
Fleetwood, Peter H.
Forster, C. S.
Fort, John
Gaskell, J. Milnes
Grey, Sir G.
Hardinge, Sir H.
Hillsborough, Earl of
Hinde, J. H.
Hotham, Lord
Howick, Lord Visc.
James, W.
Lawson, Andrew
Lefevre, Charles S.
Lefroy, A.
Lennox, Lord G.
Longfield, R.
Mackinnon, W. A.
Marsland, T.
Murray, rt. hon. J. A.
Neeld, John
North, Frederick
O'Connell, M. J.
Paget, F.
Palmerston, Viscount
Pechell, Captain
Pelham, J. C.
Pendarves, E. W. W.
Phillips, C. M.
Price, Sir R.
Rice, right hon. T. S.
Ross, C.
Scott, Sir E. D.
Scott, J. W.
Smith, A.
Stanley, W. O.
Steuart, R.
Thomson, C. P.
Thompson, P. B.
Trevor, hon. G. R.
Troubridge, Sir E. T.
Tynte, C. J. K.
Weyland, Major
Wilson, H.
Wood, C.
Wrottesley, Sir J.
Young, J.

TELLERS.

Baring, F.
Smith, V.

The Report of the Committee of Supply was brought up.

HOUSE OF LORDS,

Monday, March 13, 1837.

MINUTES.] Bills. Read a second time:—Worcester County Hall.

Petitions presented. By the Marquess of SALISBURY, the Earls of HADDINGTON and BRADFORD, the Bishop of WINCHESTER, Lord RAYLEIGH, and Viscount CANTERBURY, from various places, against the Abolition of Church-rates.—By Lords HOLLAND and BROUGHAM, from Exeter and Swansea, for the Abolition of Church-rates.—By Viscount CANTERBURY, from Godmanchester, for the Amendment of Municipal Corporations Act.—By Lord WYNFORD, from Stapleton, Gloucestershire, complaining that there is no provision for paying the expenses of the apprehension of persons who commit offences against the Poor-law Act.—By Lord RAYLEIGH, from the Guardians of the Poor of the Eastbourne and Witham Unions, in favour of the Poor-law Amendment Act.

HOUSE OF COMMONS,

Monday, March 13, 1837.

MINUTES.] Petitions presented. By Mr. W. PATTEN, Mr. G. KNIGHT, Viscount MAHON, and several other Hon. MEMBERS, from a great number of places, against the Abolition of Church-rates.—By Sir R. PRICE, Viscount EBRINGTON, and other Hon. MEMBERS, from various places, for the Abolition of Church-rates.—By Sir HENRY PARNELL, from Dundee, for the Repeal of Duty on Marine Insurances.—By Mr. WILLIAM MILES and Colonel SEALE, from Clifton, Dartmouth, and Hardness, for Repeal of Duty on Fire Insurances.—By Colonel SEALE, from Easengwold, for Repeal of Duty on Soap.—By Mr. PUSSEY, from the Parochial Clergymen of Ware, for rendering it imperative to the Board of Guardians, to assign sufficient Salaries to duly appointed Chaplains to Workhouses; and from the Guardians of the Wantage Union, against Repeal of Poor-law Act.—By Sir GEORGE STRICKLAND and Mr. HARDY, from Rastuck, Bradford, York, and Keighley, for Amendment of Poor-law Act.

POLICE MAGISTRATES.] Mr. *Estcourt* rose to ask a question of the noble Lord opposite (the Secretary of State for the Home Department). He felt particularly called upon to put this question, in consequence of his having filled the Chair of the Committee appointed some years ago to consider the state of the police of the metropolis. That Committee, after a most attentive consideration of the matters referred to them, had recommended that no persons should be chosen to fill the office of a Police Magistrate unless he had been bred to the bar. That recommendation had been acted upon ever since; indeed, from the time of its introduction by his noble Friend (Lord Sidmouth), it had not been departed from. A few days ago, however, he learned that the noble Lord had appointed a gentleman to be a Police Magistrate, who did not belong to the bar. He wished to know if the fact were so, and why the noble Lord had departed from the invariable practice of the Home-office in making such appointments?

Lord *John Russell* said, it was quite true that an appointment had been made of a gentleman to fill the office of Police Magistrate. It was also true, that that gentleman had not been bred to the bar. It likewise was true, that he (Lord John Russell) had not referred to the Report of the Committee on the subject, nor in this instance allowed his mind to be influenced by the considerations which usually, in such cases, had decided appointments of that nature. He acknowledged the practice, and he acknowledged that generally it ought to be followed, but exceptions would occasionally arise which might render a departure from that practice advisable. When Mr. Codd applied to him for the appointment, he objected, on the ground that that gentleman had not had the advantage of a legal education, upon which Mr. Codd sent him many recommendations, and referred him especially to Mr. Senior, and Mr. Stephen, of the Colonial-office, from whom, as well as from others, he received the strongest assurances that Mr. Codd was eminently qualified for the office, and amongst his qualifications, it was mentioned that he had had great experience as a magistrate at Kensington. He (Lord J. Russell) asked for a return of the cases at which Mr. Codd had presided; they were examined by the Under Secretary, whose report upon them was highly satisfactory. He thought these constituted a sufficient ground for departing from the usual practice. The cases which Mr. Codd tried were exactly similar to those tried at police-offices in the metropolis, and he thought that a uniform observance of the rule would be highly inexpedient.

Mr. *Estcourt* wished to know, whether it was the intention of the noble Lord to continue the practice of his predecessors?

Lord *John Russell* said, he thought that a general adherence to the practice would be desirable, but as he had already said, there ought to be occasional deviations. Was the hon. Member aware of the thousands of persons who were transported by gentlemen who had not been bred to the bar?

Subject dropped.

Queen Regent of Spain.] Mr. *O'Connell* should be sorry to occupy the time of the House with anything personal to himself, but he was sure hon. Members would agree with him in thinking that the case to which he wished to call their attention, justified him in saying a few words. *The Times* newspaper of Saturday contained what purported to be a report of a speech delivered by him in that House on Friday night last, when the affairs of Spain were under consideration. He trusted the House would recollect that he had not said one word of the Queen Regent of Spain, and yet in *The Times* of Saturday, he found this passage:—

> " The morality of the lady who handled the sceptre of Spain at the present moment, was of no importance at all; morality would, of course, add dignity to statesmanlike qualities; statesmanlike qualities, unsupported by morality, might be suspicious, but it was not because a lady was voluptuous in form, and accused of being voluptuous in propensities, that,therefore,she was unequal to the exigencies of government."

Such language he had never uttered—it was a total invention—he had said nothing like it. He believed that there were but three words in the whole report which he had spoken: it was a pure invention, and it was rather hard that an unfounded and totally false report of that description should have appeared in a paper which might, a fortnight hence, accuse him of having attacked the Queen of Spain, without any other ground for that accusation than an article of its own, which was a pure invention, but which would be cited against him to support the accusation. It was too bad to invent a speech and attribute it to an hon. Member of that House, especially so when it affected the character of a lady of high rank. Of all this, he thought he had a right to complain, and he begged to give that report the most emphatic contradiction. He appealed, without the least hesitation, to those hon. Members opposite who heard what fell from him on Friday night, whether he had said any thing of the sort. He hoped that, for the future, he should be spared the necessity of contradicting statements of such a nature.

The House went into a Committee of Supply, certain Resolutions were agreed to, and the House resumed.

Church-rates.] The House in Committee on the Resolution concerning Church-rates, proposed on the 3rd of March. The Resolution having been read,

Sir *Robert Peel* rose thus early because he desired to have an opportunity of submitting to the House in a connected form the view he took of the question which the resolution involved, because he knew by past experience, that when any Member of that House postponed to a late period of the night the observations which he might think it necessary to make, he generally found great difficulty in carrying on a connected chain of reasoning; and it became, under such circumstances, not only difficult to preserve continuity and connexion, but most difficult to avoid noticing observations made in the course of the discussion; and still further, because in addressing the House at a late hour of the evening there existed so much temptation to that vehemence and asperity which might add something to the animation of debate, but nothing to its effect in influencing the reason or deciding the judgment. He wished in approaching this question to accept the invitation of the right hon. Gentleman opposite, (the Chancellor of the Exchequer), and enter upon the discussion in a temper purified from party feeling, forgetful of party predilections, and full of an earnest desire to discuss the question upon its real merits. For these reasons, then, had he resolved to present himself thus early to the House, and enter upon the consideration of the question then before them with an anxious desire to effect its early and satisfactory settlement. He need hardly say, that he rose under a deep sense of the importance of the subject. He was not insensible to its inherent difficulties, and he had not forgotten, that those difficulties had been much increased by the proposal which the King's Government made in the year 1834, which proposal was tantamount to a condemnation of the present system. On account of the interval, too, which had elapsed since that measure was proposed, and on account of its subsequent abandonment, the difficulties of the question had been considerably augmented. Of all this he was fully conscious. There was no hon. Member who could fail to be aware, that the subject of Church-rates had assumed an entirely new position, in consequence of the proposition which three years ago had proceeded from the responsible Ministers of the Crown; still did he feel impelled by a paramount sense of duty to state the grounds upon which he had arrived at a different conclusion from the King's Government on this most important occasion. Not disguising from himself any one of the difficulties which accompanied an examination of the subject, and not insensible to the difficulties inseparable from its settlement, he yet should say, that there were none of them at all comparable to the difficulties necessarily attendant upon an acquiescence in the measure of the Government. In speaking of the plan which in the present Session of Parliament had been submitted to the House, he could not otherwise describe it than as a plan for the total abolition of Church-rates,—that the land and other property in this country, whether held by Dissenters or by persons in communion with the Church of England, should in future be free from all liability to the payment of Church-rates, and that in all time coming it should be the Church itself, and not the State, that was to provide for the expenses attendant upon the repair of the fabric of the Church. That was the proposition laid before Parliament, and upon that the House had to decide. The question he should proceed to consider in three separate points of view—first, as a financial measure; secondly, as to its being in conformity to authorities respected in that House; and thirdly, in reference to its conformity to sound policy and justice. He desired, in the first place, to submit the merits of the plan to the test of calculation, next to that of authority and reason, and lastly to that of justice and sound policy. It appeared to him the first of these subjects to which he proposed to call the attention of the House was in the highest degree important, for it was to his financial operations, that the Chancellor of the Exchequer referred with the most confidence. The right hon. Gentleman had acknowledged, that if he were wrong in these, he must fail altogether; by his calculations he was willing to stand or fall. If his estimates were incorrect, or his inferences erroneous, the right hon. Gentleman unreservedly admitted, that his whole scheme must fall to the ground; by the application of that test, the right hon. Gentleman was willing to be judged. No one could be more sensible than he was of the difficulty of examining in a popular assembly the data and the results of an arithmetical calculation; he therefore earnestly requested that hon. Members would lend their attention to his observations, which he hoped to make clear to all who had heard the statement, or made themselves acquainted with the plan of the Chancellor of the Exchequer. The right hon. Gentleman assumed, that a certain charge was to be provided for, amounting to 261,000*l.*, at which sum he estimated, on an average of three years, the annual payment of fines to bishops, and deans and chapters. Those formed the only data upon which the plan rested; but if the right hon. Gentleman had taken more than three years, he would have found the average less than 261,000*l.* There was no doubt, that the more the range was extended, the more would the amount of the average be diminished; but for the purpose of his argument, it was not necessary that he should establish the fallacy of the average; he would assume, that the right hon. Gentleman was correct, and it was therefore established, that he had to make provision for an annual payment of 261,000*l.* The Chancellor of the Exchequer then proposed to allot a sum of 250,000*l.* for the repairs of the fabrics of the Church. These two sums together gave a total of 511,000*l.*; that was the permanent charge for which, in the first instance, the right hon. Gentleman had to provide. The charge of managing that fund he wholly omitted. He had proposed, that the management of an immense landed property, with mines, houses, and tithes, should devolve on a commission composed of a certain number of archbishops and bishops, who had no direct pecuniary or personal interest in the advantageous management of that property; with these it was proposed to associate a certain number of official persons, whose time already was exceedingly occupied with other matters; and then there were to be added three paid commissioners, on whom the actual practical duty he presumed would devolve. As the House must well know, the property to which he referred was distributed throughout England and Wales; it was subject to various descriptions of management — to mortgages, to settlements, to varieties of tenure, and to different customs; he therefore apprehended, that the charge of management would bear a very large proportion indeed to its rental, to say nothing of the general objection to the State becoming a great landed proprietor and the disadvantages inseparable from those who exercised the management being persons having no direct interest in the land. The land revenues of the Crown amounted to 240,000*l.*; its management intrusted to a board was much less complicated, the surveys much less expensive than those for the Church property, yet the charge for management was 25,000*l.*; the estimate given him was 28,000*l.*, but he preferred stating it at 25,000*l.*, for he wished to keep within the actual amount. The gross rental of this property had been estimated at 1,322,000*l.*, the receipts by the deans and chapter, &c., was 541,000*l.* He thought, then, he should not estimate it extravagantly in fixing the charge for management at 30,000*l.* Assuming that the total charge of 511,000*l.*, given by the right hon. Gentleman, to be correct, the sum of 30,000*l.* added to it for management, gave 541,000*l.* It had been stated to them how it was proposed to provide for that charge. The right hon. Gentleman had said, that 261,000*l.* was the amount of fines, and he assumed the average period of the duration of leases for lives and years was twenty-four years, with an allowance of seven per cent. to tenants upon renewals: taking all these for granted, he inferred the gross amount of the landed property to be 1,323,000*l.* The right hon. Gentleman then said, he had a deferred annuity of 1,323,000*l.* to commence at the end of twenty-four years; and estimated the present value of that at 516,000*l.* In speaking on this subject he did not wish to take anything for granted; he wished the House to be satisfied that everything stated had been proved; and if he did not succeed in making himself clearly understood, he begged hon. Members might interrupt him, their doing so would save the time of the House. It appeared, then, that 516,000*l.* was the present value, while 541,000*l.* was to be provided for; there was, therefore, a deficiency of 25,000*l.* An annuity of 541,000*l.* for twenty-four years, at four per cent., would be worth 8,248,607*l.* if converted into capital at the present time. There remained a difference of 782,000*l.* between the specified sum of 541,000*l.*, and the value of the landed property of the Church, which, according to the calculations of the Chancellor of the Exchequer, amounted to 1,323,000*l*. Now, an annuity (for ever) of 782,000*l*. deferred for twenty-four years, at four per cent., was worth 7,626,875*l*. Therefore, the loss of the Chancellor of the Exchequer, upon his financial plan, assuming that all the *data* of the right hon. Gentleman were correct, would, if estimated with reference to the present capital, be exactly 621,732*l*. The loss sustained by taking the deferred annuity, in accordance with the Chancellor of the Exchequer's plan, as compensation for granting the proposed arrangement, to commence immediately, would be upwards of 620,000*l*., and equivalent to an annuity of 24,869*l*. He was here assuming that the data and the calculations of the right hon. Gentleman were all correct. He, however, doubted their correctness; and he did hope that, whatever might be the opinion of the House with regard to the principle of Church-rates, hon. Members would all see the necessity of declining to embark upon this financial speculation until they should have acquired more accurate information than they at present possessed, and had better means of judging as to the sufficiency of the ground upon which the proposed change was sought to be established. The Chancellor of the Exchequer calculated the average subsisting term of leases, both for lives and for a term of years together, to be twenty-four years. With reference to this part of the subject he would beg to observe, that it was easy enough to calculate the average subsisting terms, where the terms were for years; but, unless they were made acquainted with the whole of the leases for lives—unless they could know the exact proportion which the leases for three lives bore to those for two lives, and which both these descriptions of leases bore to the leases for a single life, it would be exceedingly difficult to draw a correct inference, or strike anything like a fair average. He had had access to the leases for lives in the case of one bishopric in England,—he alluded to the bishopric of Gloucester. In that bishopric he found that there were 102 leases for lives; seventy-five of these were held on a tenure of three lives—seventy-five (he begged the House to observe) out of 102; and the average subsisting term of these seventy-five leases was not less than nearly thirty-eight years. Suppose that the average subsisting term of ecclesiastical property was twenty-six years instead of twenty-four, this slight change would involve the complete destruction of all the right hon. Gentleman's calculations, because he would then have to meet the permanent charge of 541,000*l*. for twenty-six years instead of twenty-four. The fact of his not coming into possession until two years after the stated period, would totally derange the right hon. Gentleman's calculations. Suppose it were to turn out that the average subsisting term was thirty years instead of twenty-four, the loss to the public would amount to many millions. He was speaking merely of the Chancellor of the Exchequer's financial plan; he would not mix up with his present observations anything of politics—anything that did not properly belong to the merits of his scheme, considered as a financial proposition. Suppose, for argument's sake, that the average subsisting term was neither more nor less than twenty-four years; suppose that this fact had been positively ascertained, though he must observe that it was utterly impossible to ascertain the average subsisting term—to acquire a knowledge of the real value of the Church's rental, without a minute and accurate survey of the value of the leases respectively,—conceding it to the Chancellor of the Exchequer that he was right in assuming the average term to be twenty-four years, still he defied the right hon. Gentleman to ascertain the real value of the rental of the Church lands. Suppose that the larger proprietors held leases of longer terms, that their leases were for three lives, and that the smaller were for two lives or for one, this variation would not affect the average subsisting term, but it would influence, in a material degree, the value of the reversion. He would ask the House, then, whether there did not exist a great probability, that in proportion to the value of a property, care would be taken to renew the lease by virtue of which it was held? In case it should appear that the leases of valuable properties had been, generally speaking, renewed, after payment of the proper fine, upon a life falling in, the Chancellor of the Exchequer would then find himself in this position:—He would have calculated with accuracy (so it was, for argument's sake, conceded) the average subsisting term, but would have afforded no indication whatever of the real value of the rental which, at the expiration of this term, the State would receive in lieu of its permanent charge of the Church. Admitting, then, that the average subsisting term was twenty-four years, he repeated, that unless the right hon. Gentleman had access to the whole number of lives, and knew the value of the leases in each, it would be impossible for the right hon. Gentleman to draw any inference as to the value of the aggregate rental. It was quite evident that the value of these leases in the aggregate depended on the value of the lives in each separate case. The fact whether the lives named in a lease were those of children or of persons more advanced in life—whether they were of the male or of the female sex, particularly in the case of children, would make the greatest possible difference. If the life in one of these leases were that of a young child, the right hon. Gentleman must ascertain whether its age was seven or fourteen years before he could determine the value of the life; and he must go through this painful and laborious inquiry, in every case, before he could ascertain the aggregate, or strike with accuracy an average number of years. The next assumption of the right hon. Gentleman was, that seven per cent. was the average rate of interest allowed on the renewal of leases. Here, again, if the Chancellor of the Exchequer were in error, and if seven per cent. were not found to be the average rate of interest, his calculations were wholly erroneous, and his entire plan must fall to the ground. The right hon. Gentleman, in support of his view, had produced some calculations with reference to the see of Durham. He, however, must protest against any general inference being drawn from the circumstances of that particular see. The property in that see consisted in a great part of mines, and a very large rate of interest was allowed in Durham upon the renewal of these leases—a rate of interest so high as nine per cent. He need not enter into details upon this subject, further than to state, that special reasons existed in that diocese by which the value of land was affected. He alluded chiefly to what was termed a "way-leave," or permission to pass over the lands, which prevailed throughout that see, and which was a natural reason for the allowance of a larger rate of interest on renewals. Again, then, he affirmed, if the right hon. Gentleman were wrong in saying, that seven per cent. was the average rate of interest, that his calculations must altogether fall to the ground. He believed, that the average rate of interest allowed upon those renewals was considerably less than seven per cent.; and in making this statement he was justified by the result of an inquiry which he had instituted with a view to ascertain exactly what was the practice with regard to this matter. His inquiry extended to the dioceses of Canterbury, London, Winchester, Lincoln, Chichester, Oxford, and Salisbury; and to ascertain the practice with regard to renewals he put the questions and received the answers which he would read to the House.

"1. When a lease for lives or years is renewed, what measures do you take in order to ascertain the value of the property?—I employ a respectable surveyor to survey his property, and to make a report of the annual value and outgoings, so as to show me the net annual value clear of all deductions.

"2. The value having been ascertained, how do you calculate the sum which should be paid for the renewal of leases on lives?—I multiply the net annual value so ascertained by such number of years' purchase as (allowing the lessee to make five per cent of the money to be paid by him) the Northampton mortality tables allow for the benefit to the lessee of adding a life or lives of his own selection, taking into consideration the ages of the existing life or lives, and taking for granted that the lessee will make the best selection.

"3. Do you apprehend that the estates belonging to the prebendaries, who are corporations sole, are managed on the same principles?—For the most part. Prebendaries being corporations sole, who have renewed leases for lives, under my observation, I have adopted the same principles."

Thus it appeared that the rate of interest in respect of these episcopal lands was five, and not seven per cent. The individual of whom he made the inquiry was Mr. Hodgson, who had an extensive charge of the management of ecclesiastical rents. But the Chancellor of the Exchequer would no doubt say, that in many instances, seven per cent, eight per cent, and even nine per cent was allowed; and that, placing the cases in which the rate of interest was eight or nine per cent against those in which only five was allowed, he was justified in striking the average at seven per cent. It was true, that, in the case of house property, a high rate of interest was allowed upon the renewal of leases; but never, except in extraordinary cases, upon leases of land. In the case of houses, seven, eight, and even nine per cent. might be allowed; for who would take the lease of a house, subject to its various incumbrances, without an allowance of more than five per cent.? A large rate of interest was allowed in the case of house property, because the lessee indemnified the Church from three important charges—first, from all insolvencies of the actual tenants, and from recovery of the yearly rent by legal means; secondly, from the whole charge for repairs and new constructions; and, thirdly, from the charge of insuring against fire. It was, therefore, perfectly just that a distinction should be drawn between house and landed property, and that eight or nine per cent. should be allowed on the former, while it was only five per cent. on the latter. What was the result of the rates of interest, in connection with these two distinct kinds of property, being confounded? Why, that even if he were to concede to the right hon. Gentleman the position that the present rental of the Church was 1,323,000*l.*, still, as the right hon. Gentleman had made no allowance for the difference between household property and landed property, the House had no evidence whatever that the sum of 1,323,000*l.*, which it was assumed that they would be entitled to receive at the expiration of twenty-four years, would purchase anything like an annuity of 511,000*l.* On this point he had consulted a gentleman eminent for the accuracy of his calculations, and the following were his answers to queries submitted to him:—

> "Queries:—The average improved rental of church leases is 1,323,000*l.* a-year. It is estimated that, on the average, in twenty-four years, all the church leases will run out; and, therefore, there is a reversionary interest of 1,323,000*l.* as a perpetual annuity, at the end of twenty-four years. Question the First—'What annuity, to commence from the present time, is equivalent in value to the perpetual annuity of 1,323,000*l.*, to commence at the end of twenty-four years?'—Answer—'The equivalent perpetual annuity, to commence immediately, is 516,190*l.* computing the fee-simple at twenty-five years' purchase.'—Question second—'If this sum of 1,323,000*l.* is derivable as to three-fourth parts thereof from the rents of land, and one-fourth part from the rack-rents of houses, what annuity, to commence from the present time, is equivalent to the rent of 1,323,000*l.* a-year, having regard to the perishable nature of household property, and the permanent nature of land?' Answer—'The equivalent perpetual annuity should, in this case, be 468,730*l.*, computing the land, as before, at twenty-five years' purchase, and the household property at sixteen two-fifths years' purchase. Taking the household property in fee-simple, however, to be worth fourteen and a-half years' purchase, instead of at sixteen two-fifths, which is a very moderate reduction, as compared with the reduction of land from thirty to twenty-five years' purchase, the perpetual annuity will be 452,300*l.*—Arthur Morgan, Equitable Assurance-office, March 10, 1836.' 'But the true proportion for the household property, the fee-simple of the land being reduced from thirty years to twenty-five years, was at thirteen and a fraction years' purchase. N.B. Taking the land at thirty years' purchase, the equivalent perpetual annuity on the whole property is 602,000*l.*'"

But the land was estimated at thirty years' purchase, and the Chancellor of the Exchequer proposed a bonus of five years' purchase to encourage the lessees to buy out perpetuities. What did that right hon. Gentleman propose to do with respect to household property? The owner of land which was equivalent in value to thirty years' purchase, might be very happy to be allowed to purchase at twenty-five years; but taking the interest in a lease of household property to be worth about sixteen or seventeen years' purchase, in order to induce the tenant in this case to purchase a perpetuity, it would be necessary to give him a corresponding advantage. If this advantage were given, it would be requisite to reduce the number of years' purchase of his house from sixteen and a-half to fourteen and a-quarter, a very moderate reduction (as stated by Mr. Morgan), in order to enable the lessees of household property to purchase upon something like the same terms which were allowed to the lessees of land. The equivalent perpetual annuity would, in such a case, be 452,300*l.* to meet a demand of 541,000*l.* per annum. Arguing, then, from the very data assumed by the Chancellor of the Exchequer, the permanent charge to be provided for would far exceed the amount, which, according to the proposed plan, was destined to meet it; and by assuming that the value of ecclesiastical property, of every description, was equivalent to twenty-five years' purchase, the Chancellor of the Exchequer precluded himself from compensating for the loss which he would thus sustain on the one hand, by increasing the charge on the other. Every man, the right hon. Gentleman had said, might obtain a perpetuity at twenty-five years' purchase. It would surely, however, be vain (as every hon. Member must perceive) to offer to a tenant of household property the option of purchasing at twenty-five years, while the property was confessedly not worth more to him than sixteen years' purchase; and they must, consequently, make a proportional deduction from the annual rental which they would be entitled to receive for the next twenty-four years—a deduction amounting to almost one-fourth of the whole; so that the annual income would be 452,000*l.* instead of 541,000*l.* Convert that sum into capital, and proceed with the proposed plan, and the Chancellor of the Exchequer might depend on it that the final loss on his financial scheme would amount to some millions. Supposing thirty years to be the average subsisting term, instead of twenty-four years, an annuity of 541,000*l.* at four per cent., for thirty years, was worth 9,354,990*l.* An annuity for ever of 782,000*l.*, deferred for thirty years, was worth only 6,027,630*l.* The loss here would be most considerable. It would amount to three millions of money. Did not that single statement evince of what importance it was to ascertain with accuracy whether the average subsisting term were twenty-four years, and not to assume that term at random? And if, again, the rate of interest upon renewals was in a great variety of instances, as he had shown, not seven, but five per cent., ought not this fact alone to induce the House to act upon this subject with extreme caution? It was possible that some hon. Gentleman, one of the Chancellor of the Exchequer's Friends, might presently tell him of all the advantages which it was expected would be derived from an improvement in the value of Church lands, an improvement which would take place the moment the tenure was changed. ["*Hear.*"] As he had expected, hon. Gentlemen opposite seemed to attach value to this argument; but he would show them that it was a complete fallacy; and that they would not derive 1*s.* of profit from this improved value. Why? Because they were going to permit the tenant to purchase at twenty-five years. Whenever, therefore, an improved value arose, it would be derived not by the State but by the tenant. The Chancellor of the Exchequer had endeavoured to make his plan exceedingly popular, by saying, that the "reserved fund" which would remain, after allocating the proceeds of Church lands to the payment of fines, and to the maintenance of the fabric of the Church, would be applied to the increase of the spiritual accommodation of the poor. The right hon. Gentleman said, that he was really the friend of the poor, although it had been attempted on this subject to raise a prejudice against him, and that his answer to the charge of indifference to the interests of the poor was allocating this reserved fund, arising from the profits of his financial plan to the increase of the spiritual comforts of the poor. He should like to know what any hon. Gentleman would give for the Chancellor of the Exchequer's reserved fund? Had he not shown the House that, according to the Chancellor of the Exchequer's plan, there was only 516,000*l.* to meet 541,000*l.*; while, according to his calculation, the sum which was stated at 516,000*l.* would not turn out to be more than 450,000*l.*, leaving an actual and present deficiency of 90,000*l.* a-year in the financial plan of the right hon. Gentleman. The essence of the Chancellor of the Exchequer's plan consisted in selling the reversion to a property. He had very recently heard a high authority advance the following opinion:—"The Church was, therefore, exactly in the position of an individual who was continually selling a reversion, which was just the most unprofitable of all means which an improvident person could resort to for the management of his property." This opinion he had heard from the Chancellor of the Exchequer, and he had profited by the sound doctrine which that right hon. Gentleman had advanced upon the improvidence of selling a reversion. Was not the sale of a remote reversion, although condemned in the paragraph which he had quoted, the very essence of the Chancellor of the Exchequer's plan? Was that right hon. Gentleman justified in stating the term of twenty-five years arbitrarily as the term of years by the purchase of which, in every instance, a perpetuity was to be obtained? He contended that the application of the rule of twenty-five years to household property was utterly irreconcilable with justice. There were four sources of Church property derived from land, and of them only one had been adverted to by the Chancellor of the Exchequer. What did that right hon. Gentlemen propose doing with regard to mines, which formed a most important subject of consideration? He had given no explanation whatever of his views with regard to tithes. After next year, owing to the provision of the Tithe Commutation Act, this source of revenue would become fixed, varying only as a corn-rent. The calculation of the period of twenty-five years, upon which the Chancellor of the Exchequer had founded his arguments as perpetuities, had manifestly no relation whatever to houses; and to those tenants of the Church whose property consisted of houses it was manifestly unjust to say, "You shall be entitled to a perpetuity, like persons holding lands at twenty-five years' purchase." He never would consent that ecclesiastical property should be disposed of on terms not only so disadvantageous, but so unjust, to the proprietors in one case and to the lessees in another. He could easily conceive a very wealthy proprietor to whom the holding of Church lands was a great accommodation, from its being mixed with his own property, who had never used it for building purposes, and who had money at his command—he (Sir R. Peel) could readily believe, that to allow such a person to purchase lands in the neighbourhood of large towns and convert it into building leases at twenty-five years' purchase, would be to put money in his pocket. But persons who had no particular object to attain by such land, no hope of gain, who had lived upon the land, who had not the means of raising money to purchase a perpetuity to convert it into an increased rent—he could believe, that exacting from such persons tweny-five years' purchase, might be the greatest possible injustice. The only plan, the only principle he contended which could be acted upon with justice, was, by making an actual valuation of property in all cases and dealing with each individual for the purchase or sale of his interest. He should say, no doubt, give every consideration to the tenant's right, treat him with all indulgence; but he should also say, that the application of the invariable rule to purchase at twenty-five years, would be pregnant with the grossest inequality and injustice. The benefit would be to the rich man, who held land in the neighbourhood of towns, for if he could get possession of land so situated at twenty-five years' purchase he might increase his annual income to a great extent. So much for the financial part of the measure. He did not impugn the calculations in all respects of the Chancellor of the Exchequer, but he had stated grounds upon which they were entitled to doubt whether that right hon. Gentleman's assumptions could be safely relied upon. He would next proceed to the discussion of a part of the subject in which the House of course must take, and in which, certainly, he felt a much deeper interest—he meant the character of the proposed plan as it concerned the eternal principles of justice and of sound policy. The proposal was, that the whole of the rateable property of the country, whether held by Dissenters or not, should be discharged from the burden to which it had been subjected from time immemorial, and that an equivalent should be found for that burden by a charge upon the property of the Church. The noble Lord had stated the other night, that there was a manifest distinction between the charge for tithe and the charge for Church-rates. He admitted that there was in some respects a distinction; but this could not be denied, that whatever difficulty there might have been in increasing the payment in particular instances, the principle of the laws of England had been for many ages, that the property of the parish should be responsible for the maintenance of the Church. There might be, no doubt, a power on the part of the parishioners to defeat or postpone that payment, but could it be denied that the expectation under which nineteen-twentieths of the inhabitants of this country had inherited and purchased their property was, that this charge, existing from time immemorial, was a charge to which that property was legally subjected? In not one-twentieth of the cases in which property had been purchased, he would venture to say had the purchasers given the full value for the property under the supposition that they could defeat that charge; on the contrary, all purchasers had almost invariably assumed that the Church-rate was a valid impost upon the property, and had accordingly claimed a corresponding deduction in the price. This plan then, proposing that the whole amount of the charge should be removed from the rateable property of the country, whether held by Dissenters or Churchmen, and that an equivalent should be drawn from the revenues of the Church, was a perfect novelty and was now for the first time broached. The Chancellor of the Exchequer had said, that in supporting this plan he would rely upon very great authorities, not for the purpose of taunting any party with any possible inconsistency, but for the purpose of supporting his calculations by the opinion of those authorities, deliberately delivered, and which he had seen no reason to question. He should have thought that so skilful a debater as the right hon. Gentleman would have touched with more lightness upon arguments derived from authority—the single authority upon which the right hon. Gentleman had relied having been derived from the precedent established in the case of the Irish church. He must say, that the appeal to that precedent was rather ungenerous. When the consideration of the Irish church had been first brought under their notice in the speech from the throne, they were distinctly told that the circumstances of Ireland were peculiar, that they were so far distinguished from those of England as to require a separate consideration. When the measure had been brought forward by which Church-rates were to be removed from property in Ireland, they had been distinctly told that the case was a special one, and ought to be considered on its special grounds, and yet now they were told by the Chancellor of the Exchequer that the case of Ireland was applicable to England. "Make that," said the right hon. Gentleman, "which I told you was an exception, a general rule—make an example, which I told you was peculiarly and separately applicable to Ireland, a precedent which shall be and must be applied to England." Let the House look at the preamble of the Church Temporalities Act. Did not that Act raise special differences in the case of the two countries, warranting a perfectly different course from that proposed by the right hon. Gentleman opposite? Could he say, that in England it was convenient to dispense with ten bishops? And had not two additional bishops been appointed to districts which required the superintendence and care of episcopal authority? In arguing upon the Church Temporalities Act, you referred (said the right hon. Baronet) to the distinction there was, in point of population, to the number of persons in Ireland who were not members of the Established Church, and the charge which was imposed upon the occupying tenant by making him responsible for the payment of Church-rates, and the support of a Church from which he derived no benefit. With the case of Ireland before you, with that Act before you, and to which you were a party, did you, in 1834, propose to follow the precedent of Ireland? You then knew there was Church property in England; you had your attention specially called to it; you had the Irish Act then in existence upon the Statute Book; but you did not invoke the Irish precedent as an example to be applied to England. No, you brought forward an act proceeding upon a totally different principle, an act certainly recognizing the exemption of property from the charge of Church-rates, but which, at the same time, distinctly maintained this great principle, that the charge of supporting the fabric ought to be borne by the State. And when you speak to me of authority, I will attempt to show you, so far as arguments are to be derived from authorities in matters of this kind, that you have no authority to appeal to in the Irish Act, but that from your own course, from your own acts, and from your own declarations, I am furnished with most powerful aid in support of my arguments, as far as that aid extends." He would take first (the right hon. Baronet continued) the declaration of the noble Lord who had proposed the Act for the Regulation of the Church Temporalities in Ireland, and who, upon the following year, had proposed a plan for the substitution of another fund in lieu of Church-rates. Lord Althorp, on April 21, 1834, the Irish Act having passed in the preceding year, and relieved the owners of property in Ireland from the charge of Church-rates—that noble Lord who had brought forward that Act, which, as he had said before, was one proceeding upon a totally different principle, at the period alluded to, proposed that 250,000*l.* should be paid out of the consolidated fund and applied to the repairs of the Church. After the discussion that arose upon the proposition, Lord Althorp stated in reply, "The principal argument used this evening has been, that no contribution ought to be made by the State out of the public funds, for the purpose of maintaining the places of worship belonging to the

Established Church. Now, I entirely agree with my right hon. Friend (Mr. Wynn), that it is the absolute duty of the State to provide places of worship for the poorer classes of this community." There was a distinct recognition of the principle that it was the absolute duty of the State to provide places of worship for the poor. [*"Hear."*] From the cheers of the right hon. Gentleman opposite, he (Sir Robert Peel) supposed he was to infer that the present plan was not at variance with the declaration of Lord Althorp. But that declaration had been made after an amendment had been proposed by the hon. Member for Middlesex, to the effect that no sum ought to be issued out of the Consolidated Fund for the repairs of the fabric, until it had been clearly ascertained that the Church property was not able to bear the expense of those repairs; and, therefore, it was stated, not merely in forgetfulness of, but in direct collision with, the antagonist principle, as contended for by that hon. Member, that Lord Althorp had expressed so decided an opinion on the subject. Upon the amendment proposed by the hon. Member for Middlesex, a division took place. He (Sir Robert Peel) and all his Friends supported Government on the occasion, and, with their assistance, the numbers were, in support of Lord Althorp and his principle, 256, negativing the amendment contending for the opposite principle by a majority of 116. Now, as the doctrine was afloat, that the "majority ought to govern the minority," and as there was recorded a majority of 116 in favour of a principle which had never since been submitted to the House of Commons, or, at least, upon which the sense of the House of Commons had never since been taken, might not he, so far as authority was concerned, appeal to that decisive majority as a proof that the opinion of the House of Commons was in accordance with that of Lord Althorp, and that it was the absolute duty of the State to provide for the repairs of the fabric out of the public funds, as distinguished from those of the Church? But it might be said, that that was in an unreformed Parliament. No, it was the first Parliament that had been elected after the passing of the Reform Bill, and could not be said to have been a Parliament returned under Conservative auspices. That Parliament was returned under the Government of Lord Grey, at a time, too, when the noble Lord (Lord John Russell) formed a part of the Government, and the decision then come to by the House had never publicly been called in question by any proposal upon which the sense of the House had been taken. Still, continuing his arguments as derived from "authority," he would refer to the declaration made in the Report of a Commission bearing date the 4th of March, 1836, —a Commission not composed exclusively of Churchmen, but one which included in it five Members of his Majesty's Government. The Report from which he was about to read, bore the signatures of the whole; and, amongst the rest, those of Lord Cottenham, the Lord Chancellor, Lord Lansdowne, Lord Melbourne, Lord John Russell, and Mr. Spring Rice. They had to consider this very question—whether it was fitting that, for ecclesiastical purposes, a profit should be extracted from a different appropriation of Church lands, and they had come to this conclusion:—

> "One mode of rendering those incomes less uncertain would be, to allow the existing leases, both for lives and for terms of years, to expire. But any plan for accomplishing this object must involve the necessity of borrowing money upon the security of the episcopal estates, in order to compensate the Bishops for the loss of the fines which accrue to them under the present system, and which form an important part of their incomes. The practical result of such an operation would be, to transfer to the parties lending their money that interest in the episcopal estates which is now possessed by the lessees. We are not, therefore, prepared to recommend the adoption of any general measure for allowing the leases for lives and terms of years to expire; although, for the purpose of correcting, in some degree, the inconvenience now arising from the great variations in the annual amount of the episcopal incomes, we recommend that facilities should be afforded for the conversion of leases for lives into leases for terms of years."

He apprehended that the noble Lord (Lord John Russell,) when the Report containing that recommendation had been laid upon the Table, still adhered to the opinion that Lord Althorp was correct in the principle he had laid down, that in relieving the land from the charge to which it was subjected, the State, and not the Church, ought to provide for the alteration; for, as a party to that Report, the noble Lord in a few weeks after it was presented, had given expression to a similar opinion in answer to a question put by his noble

Friend, Lord Stanley. His noble Friend, on the occasion, said—"I avail myself of this opportunity to ask my noble Friend whether it is his intention to bring in any measure this Session on the subject of Church-rates?" In reply to which the noble Lord (John Russell,) after stating that he would not be able to introduce a Bill that Session observed, that by means of Church-rates or in some other way, it was expedient that the state should provide for the maintenance and repair of Churches.[*] He would say it was rather strange that the noble Lord, having had the whole subject of bishops' lands under his consideration, and having signed the Report containing the recommendation quoted in March, 1836, and moreover having so expressed himself in answer to Lord Stanley in June, 1836, should now be of opinion that ecclesiastical property should be differently settled and appropriated from the manner recommended by the Church Commissioners, and should be made available for the maintenance of the fabric of the Church. The hon. Member for Middlesex having on that occasion expressed his dissatisfaction at the answer of the noble Lord, the noble Lord in reply to the hon. Member, made a fuller and more complete declaration, and one which established the most conclusive proof that the plan now proposed was then repudiated by the high authority of the noble Lord. He argued thus, in the same sense as that in which the right hon. Gentleman had argued, not for the purpose of invidious taunts, by pointing at any change of opinion, but for the *bonâ fide* purpose of showing that the opposition, and His Majesty's Government had, up to a very recent period, remained precisely of the same opinion—namely, that those church expenses ought to be borne by the state; and that by the profits which were derived from ecclesiastical revenues, there were other objects to be attained. The noble Lord, on the occasion to which he had just alluded, said, "whatever might be the anxiety of the Dissenters, they could not have been in doubt as to the opinions of the Government."[†] Could the Dissenters have inferred from this that there was at the time a secret reservation on the part of the Government that it was possible to derive the necessary amount of expenses to which Church-rates were applicable from other than the resources then proposed? The noble Lord continued—"Two years ago Lord Althorp brought in a bill on the subject, in which the principle was declared, that Church-rates should not be abolished unless the state provided a substitute." He had never said anything inconsistent with that principle, or, at least, anything to lead the Dissenters to suppose that Ministers meant to abolish Church-rates without an equivalent, or that that equivalent was to be found in the revenues of the Church. To that principle he had adhered, and to it he intended to adhere.[*] Let the House observe, that this declaration had been made two months after the Report had been made in which they declined to recommend that by which they would transfer the interest in the land from the trustees to those who lent money. That, together with the noble Lord's declaration, he (Sir R. Peel) thought fully entitled them to infer that the noble Lord adhered to the opinions of Lord Althorp. The noble Lord added—"On various occasions he had explained his views to the Dissenters, and they were satisfied that he did not mean to bring forward any Bill that would accomplish their wishes. He did not believe, therefore, that they were at all anxious that any measure should be introduced."[†] Mr. Hume then said—"As far as he was acquainted with the wishes of the Dissenters, they never would consent that Church-rates should be paid out of the general revenues of the country. Means to pay them ought to be found in the sinecure revenues of some of the deans and chapters;"[‡] upon which the noble Lord observed, "That is a question upon which the House has not yet come to any decision."[§] He would, however, say, that the House had come to a decision last Session, and had, he would not say appropriated church-rates, but by the increase of small livings given increased accommodation out of the revenues of which the hon. Gentleman had spoken. Now, so far as arguments deduced from authority went, had he not shown in support of his arguments, that they had the authority of the Commissioners' Report, bearing the signatures of five of his Majesty's present Ministers, that they had the opinion of the majority of the House of Commons—a majority of 116, and that they had the opinion of his Majesty's Government unequivocally and expressly declared at so recent a period as June, 1836? What then were the new circumstances which had arisen to induce this change, evinced in the proposal that church-rates should be abolished, and that an equivalent should be derived from the revenues of the Church? He had voted, that the conscientious scruples of the Dissenters should be respected, and believing, that the issue from the consolidated fund, by relieving him from all personal and immediate charge, would give satisfaction, had voted in favour of the proposition suggested by Lord Althorp. He referred to that as a conclusive proof that he was not insensible to the inconvenience of the present system, and that he was ready to make a sacrifice for the purpose of respecting a conscientious scruple where it existed, but without injury to the religious interests of the rest of the community. If they consented to the proposed measure, were they sure that it would effect that degree of harmony and peace which was promised by those who originated it? He feared not. If he ever entertained that hope, he must say, that he should still view with the utmost regret the exemption from this pecuniary charge of all those who held and had purchased their property upon the understanding of supporting the Church and who were themselves members of that Church. He would not discuss what other measures might be devised for the purpose of effecting the object which was aimed at by Lord Althorp. If his Majesty's Government had adhered to their original proposal—if they had taken any other course than they had done, he might have supported them. They had condemned the existing system, and yet had permitted three years to elapse without providing another. Why should he entertain a different opinion in 1837 to that which, with the knowledge of the whole facts, the noble Lord had entertained in 1836? Did the conscientious scruples of the Dissenter arise from his being called upon to support the fabric or the establishment with which he was not in communion, and was it limited to that, or did it arise from his objection to the principle of an establishment. If it arose simply from the pecuniary charge, and was limited to that, and if exemption from that charge would indeed assuage all the animosities and differences that existed between Dissenters and Members of the establishment, and would lay the basis of a permanent acquiescence in the principle of an establishment—then, no doubt, it would be wise to incur almost any sacrifice for the purpose of insuring that desirable end so far as Dissenters were concerned. It would not necessarily provide that, therefore, members of the establishment ought to be relieved from the charge to which they were subject. It would not necessarily imply that therefore it was wise to dissever the landed property of this country from all immediate connexion and interest with the fabric, where the landed property was held by men who had no conscientious scruples. He admitted it was difficult, in point of detail, to draw a distinction; but still, whatever that difficulty might be, there was an evil, in his mind, in separating altogether the connexion between the landed property of this country and the immediate parochial charges for church purposes, particularly when that property was held by Members of the establishment. With this view he had voted as he did in 1834, because if an equivalent were taken from the public revenue, the holders of landed property would in that case contribute, in some degree, to the charge from which they had been exempted; and if he had an assurance that peace and harmony would be the result, then should he again think it perfectly fair to take the course he had pursued in 1834, and assent to the principle of providing a sufficient sum for the permanent repair of the fabric out of the public purse. But if the objection of the Dissenter were not to the pecuniary charge, but amounted to, or was connected with, an objection in principle to an establishment, then he (Sir Robert Peel) must abandon the idea that tranquillity would be the result of such a measure, because the objection in principal to an establishment would still remain unmitigated by that concession. The hon. Member for Middlesex, in discussing this question the other night, had stated that the Dissenters at present put forward no other claim than that of exemption. He (Sir Robert Peel) wished to speak of them with that respect he had uniformly maintained towards them, as well by his acts as his expressions; but still he conceived it quite consistent with that feeling of respect fairly to inquire what was the nature of the objection which they urged against the pecuniary grievance of Church-rates. If it was important for him to inquire whether the removal of that charge would in point of fact restore harmony between Dissenters and Churchmen, it was equally important to ask whether objection would not still be found to exist. The hon. Member for Middlesex had said, that the Dissenters would abandon any further claims for the present. Why, what satisfaction did the House and the country derive from their abandonment for the present of any further claim? Did that not rather add to the reasons for supposing that their objection was not confined to the pecuniary charge, but extended to the establishment itself? In a work recently published he found explicitly discussed the question—what would be the degree of satisfaction we might expect to arise from the abolition of Church-rates? It was there distinctly asked in the following words—"But let us suppose the Church rates abolished, and the Dissenters entirely relieved from any share in the cost of maintaining churches which their ministers are not allowed to occupy, and religious services of which they decline to avail themselves — will they be satisfied with the redress of this grievance? Our reply to this question shall be explicit. They will be satisfied with nothing short of the recognition of those principles upon which, in resisting this ecclesiastical impost, they take their stand." That principle, he apprehended, went to this extent, that the continuance of an establishment constituted a civil inequality between Churchmen and Dissenters, and that the latter never would be satisfied while the principle of an establishment existed; and although the tenure of tithe might be different from the tenure of Church-rates, and though one had its origin at an earlier time than the other, yet that the objection in principle would be equally applied. But he did not now address himself to Dissenters.

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[*] Hansard (Third Series) vol. xxxiv. p. 611.
[†] Ibid.

[*] Hansard (Third Series) vol. xxxiv. p. 611.
[†] Ibid. [‡] Ibid. [§] Ibid.

Mr. *Hume* begged to know the name of the work from which the right hon. Baronet had quoted?

Sir *Robert Peel, The Eclectic Review.* It did not, he admitted, profess to speak the opinions of all the Dissenters, but of a considerable majority of them. He now addressed himself, not to Dissenters, but to those members of the establishment who were holders of property subject to this charge, and those he would ask, what proportion of that charge was borne by Dissenters? Of the landed property of this country he apprehended a very small proportion was possessed by Dissenters. He had seen estimates of different populous towns, one of which was that of Stroud, stating that the amount of church-rates collected from Dissenters, contrasted with the amount paid by members of the Established Church, was about 1-12th. If that were the case in these towns, he apprehended that throughout the rural parishes of the country the proportion would be still smaller and it should be always borne in mind that there was one object to which Church-rates were applied, in respect of which Dissenters could claim no exemption—namely, the expenses connected with Church-yards. But supposing the charge borne by Dissenters should not exceed, in respect of the whole of the property, one-twelfth or even one-tenth, or any other reasonable proportion, what, after all, was the result of the proposition now made, as it bore upon the interests of the landed proprietors and owners of property who were in communion with the established Church? The proposal was, that from the charge of Church-rates they should be wholly exempt, that they should not contribute to any fund for the repairs of the Churches, as they would under Lord Althorp's plan, but that the charge which they now bore, against which they had no conscientious scruples, should be entirely transferred to the revenues of the Church. Now, doubtful as he was regarding the financial scheme of this measure, and doubtful as he was as to its effect in giving satisfaction and restoring peace to the Dissenter, he felt, in addition, that the proposition it made to members of the establishment, that they and their descendants should be altogether exempt from the charge, and that the revenues should be taken from the Church to supply the deficiency raised at once an insuperable objection to it. If it were proposed by them to the House of Lords, putting aside for a moment the case of the Dissenters, that from this charge, the permanence of which had been so long and confidently calculated upon, they should altogether relieve themselves, and throw it upon the Church, what would be said by their Lordships of the enormity of such a proposition? For the sake of argument, let him admit the claim of the Dissenters. For the purpose of satisfying that claim, it was proposed that the whole property of the Church should be taken from its present possessors, and placed under the control of a board, in which the Government of the day must have a paramount interest—a proposal by which the deans, chapters, and bishops, would be made mere annuitants, in order that a certain fixed sum might be made available out of their property for the support of the fabric. They could not make that alteration without producing important political consequences. Was it possible exactly to calculate what might be its effect upon the stability and dependence of the Church of England, by thus severing it altogether from the landed property of the establishment?—by completely altering the tenure by which bishops held their property, and by converting them into State annuitants, who were to receive from the Government board fixed quarter salaries? The noble Lord had contended the other night honestly and vigorously for the maintenance of the right of the bishops to sit in the House of Lords; but when he should have created this great change in the tenure of their property—when he should have converted them into mere State annuitants, did he think it would then be so easy for him to maintain that right? And did he not think that by depriving the establishment of all connexion with the landed property of the country, and of all opportunity of establishing relations of equity with the proprietors of other property—did he not think that by so doing he would be striking a blow at the independent character and stability of the Church of England? To apply this to the case of any great landed proprietor who let his property on a lease for lives—suppose a noble Lord had 20,000*l.* a-year derived from land, let for a term of years on renewable leases; and suppose the State stepped in, and said, that the noble Lord's was an improvident method of settling his property; that the State accordingly interfered, let the leases run out, gave the property a new value, and assigned the noble Lord, by quarterly payments, the 20,000*l.* he had hitherto received,—supposing that case, the amount of the noble Lord's pecuniary revenue must be the same; but did not every man feel that the State would thereby be making a complete alteration in the position and independence of that individual, and depend upon it they could not apply the same rule to the bishops of this country without in a corresponding degree affecting also the independence of their order, and the stability of the Church. He objected to this resolution as interfering with the property of the Church. But the main ground upon which he objected to it, and to which he felt confident no sufficient answer could be given, was this—that if by any plan of this kind it were possible, consistently with strict justice to the lessees to raise a profit out of the Church revenues there existed a prior claim a prior recognized claim, which they were bound to support; and he appealed to that House, he appealed to the gentlemen and noblemen of England, and particularly to those who were in communion with the establishment, and entertained no conscientious scruples —he appealed to all to attend to the case which he should make out. It was first important that they should consider what were the necessities of the Church Establishment. He asked them not to derive that information from any statement of his own, but to give their utmost attention to one which he had extracted from the Report before referred to. That Report stated, that there were no less than 3,528 benefices under 150*l.* per annum; that there were 130 of these benefices that had a population of more than 10,000; that fifty-one had a populationof from 5,000 to 10,000; that 251 had a population of between 2,000 and 5,000, and that there were 1,125 having a population of between 500 and 2,000. It further stated, that even if there were no addition to be made to those having a population below 500, it would take no less a sum than 235,000*l.* per annum to raise all the benefices having a population of between 500 and 2,000 to the annual value of 200*l.* There were 2,878 benefices on which there was no house of residence, and there were 1,728 benefices in which the houses were either unfit for residence, or in which houses fit for the incumbents did not exist at all. And what was the probable extent of the fund out of which the right hon. Gentleman the Chancellor of the Exchequer proposed to supply these deficiencies? Why, 235,000*l.* would be necessary for the purpose of increasing the present provision for the parochial clergy. The Report went on to say—

> "We entertain a confident expectation that the amount of the fund will not be less than 130,000*l.* per annum, while to raise small livings containing populations of from 500 to 2,000 to the amount of 200*l.*, the sum of 235,000*l.* per annum would be necessary."

The House would not fail to observe, that he (Sir R. Peel) was not speaking as one who had resisted the reform of the Church; but he was now merely showing, that in consequence of the Commission appointed on his advice to the Crown, it appeared there was a hope of deriving from chapter property funds to the amount of 130,000*l.* per annum, to be applied to the increase of small livings, but still there would be a deficiency of 105,000*l.* a-year for that purpose alone. But the Church Commissioners in their Report, state, that this is by no means the most urgent demand on the part of the Church: they state—

> "The most prominent, however, of those defects, which cripple the energies of the Established Church, and circumscribe its usefulness, is the want of Churches and ministers in the large towns and populous districts of the kingdom. The growth of the population has been so rapid, as to outrun the means possessed by the establishment of meeting its spiritual wants; and the result has been, that a vast proportion of the people are left destitute of the opportunities of public worship and Christian instruction, even when every allowance is made for the exertions of those religious bodies which are not in connexion with the Established Church. It is not necessary in this Report to enter into all the details by which the truth of this assertion might be proved. It will be sufficient to state the following facts as examples. Looking to those parishes only which contain each a population exceeding 10,000, we find that in London and its suburbs, including the parishes on either bank of the Thames, there are four parishes or districts, each having a population exceeding 20,000, and containing an aggregate of 166,000 persons, with Church-room for 8,200 (not quite 1-20th of the whole), and only eleven clergymen. There are twenty-one others, the aggregate population of which is 739,000, while the Church-room is for 66,155 (not one-tenth of the whole), and only forty-five clergymen."

This demand was as yet unanswered. He would not fatigue the House by stating all the details of the instances in which this pressing want appeared. The Commissioners, however observed,

> "The evils which flow from this deficiency in the means of religious instruction and pastoral superintendence, greatly outweigh all other inconveniences resulting from any defects or anomalies in our ecclesiastical institutions; and it unfortunately happens, that while these evils are the most urgent of all, and most require the application of an effectual remedy, they are precisely those for which a remedy can be least easily found. The resources which the Established Church possesses, and which can be properly made available to that purpose, in whatever way they may be husbanded or distributed, are evidently quite inadequate to the exigency of the case; and all that we can hope to do is, gradually to diminish the intensity of the evil."

The Report then adverted to the efforts of the Incorporated Society for building and repairing Churches, and the Christian exertions of private individuals, and it then proceeded:—

> "In addition to these efforts, many Churches have been built and endowed by pious and liberal individuals. Upon the whole we may state, that within the last twenty years additional Church-room has been secured for at least 600,000 persons, and some hundreds of additional clergymen have been stationed in populous districts which were before destitute of the advantages of pastoral care and instruction. But all that has been hitherto done in this way falls very short of the necessity of the case."

He took his position on that Report. He would say, that all other considerations were subordinate—that the financial plans of the right hon. Gentleman opposite, in this respect, were mere speculations; there might be doubts as to whether the authority of this or the other side of the House might be most relied on; but, he repeated, that the Report of these Commissioners, presented in March, 1836, supplied a case of crying necessity, for which it was the duty of a Christian Legislature to make provision. The Report showed, that the annual sum of 235,000*l.* would be required to raise the stipends of existing clergymen to moderate and decent competencies, and that if pluralities were abolished, and residence insisted upon, more would of necessity be required. He had shown that there were 4,800 curacies in which no fitting income was provided for a resident clergyman; he had shown to the House that there were within its reach four parishes, containing a population of 166,000 persons, but having Church accommodation provided only for 8,000, thus leaving 158,000 persons without the means of religious consolation and instruction. If these, then ,w re facts, and he should be enabled from the revenues of the Church to realize any disposable sum, he would ask could any claim be put in competition with the necessities which arose from the case he had stated? Depend upon it, the members of the Established Church could not escape the odium which agreeing to this resolution would throw on them, if they left this evil unremedied. They had been told that it was difficult in detail, to separate the case of the Dissenter from that of the establishment, but the Dissenters contributed to the Church-rates one-tenth, while the Members of the establishment contribute nine-tenths. Disguise it as they might, the proposition amounted to this, that the members of the Established Church, the noblemen and gentlemen who held lands and property on which there was this legal, and in point of equity, this indefeasible claim, were to be altogether relieved of the great part of the impost, while the Dissenter was only relieved to so trifling an extent. Let him ask what was intended to be done in the case of Scotland? If there existed on the part of the English Dissenters, who contribute now to the repair of the fabric of the Church, a claim to be relieved on the grounds of conscientious scruples—if the English Dissenter felt no common interest with the Churchman in the maintenance of that Establishment which was to provide for the spiritual instruction of the rich and of the poor—what answer was to be given to the landed proprietor of Scotland, who dissented from the Established Church of that country, but whose property was subject to contributions for its support? Were the great landed proprietors of Scotland, who dissented from the Establishment there, to continue subject to the charge of supporting that Establishment? Were its members to relieve themselves and leave the charge on the Dissenters? Above all, in what position would his claim be, if, after the House had consented to exempt the lands of the Churchman in England it left upon the Dissenter in Scotland the charge of supporting a Church to the tenets of which he was opposed? Let also this be considered, that a large and most respectable portion of the Dissenting body in England had not urged upon the Legislature any objection to the continuance of this charge. The whole, or at all events a great part, of the Wesleyan body—a body influential from its high character, although dissenting from the Church, and not joining in communion with it—felt a common interest in the maintenance of the Establishment as a national Church—rejoiced as much as did the Churchmen in witnessing the improvement made of late years in the characters of the ministers of the Church and the zeal with which they performed their duties, and felt so innately that the cause of Christianity was maintained by the recognized principle of a Christian Establishment, that they had come forward with no petitions urging to be exempt from the charge upon them to support the Church. Could the members of the Church of England — the landed proprietors of this country—the possessors of real and rateable property in it, easily consent, on account of the supposed difficulty of drawing a distinction between the Dissenters and themselves, to accept this relief at the expense of the Church, when the necessity of spiritual consolation, instruction, and accommodation had been proved to the extent and amount stated in the Report of the Ecclesiastical Commissioners to which he had referred? It was incumbent on the House well to consider this subject. The time would shortly arrive when the acts of the present Legislature would be subject to the scrutiny of a posterity judging the matter with far different views from those which some who heard him cherished. It had been proved that thousands and tens of thousands of the population of this country were now without the means of religious instruction, that they wanted and desired such instruction; it had been proved that churches were falling into decay, that glebe-houses were unrepaired, that some parishes were without a minister, and if it should appear to posterity that with these necessities before them the present Legislature consented to sell the property of the Church, to alienate it to other purposes, to cut off all hope now and for ever of deriving increased resources from Church property—above all, if it should be found by those who were to follow that in committing these irreparable evils the Churchmen of the present day had relieved themselves from an impost to which they were most justly subject, the House might depend upon it that a severe, and he must say, not an unrighteous judgment, would be exercised upon their acts if not upon their heads. If to meet these necessities a sum was to be taken from the Consolidated Fund, it would relieve the landowners of the country from the duty of supporting the Church. Whether there should be a new apportionment of this charge on the land, making the owner and not the occupier contribute (a plan which he owned would, in his judgment, be justice) thus continuing the connexion between the landowner and the Church—whether it would be possible to reconcile such a plan with some means of giving relief to the Dissenters, without any invidious test being imposed,—whether it would be possible to draw a distinction between the cases of town parishes and rural parishes, in the latter of which the House might be assured the people did not wish to see the Church degraded—whether it would be possible to do these things, he was not prepared to say, but at least they were deserving the best consideration. His present object was to implore those in communion with the Church not to cut off altogether, by consenting to these resolutions, all hope of supplying from the revenues of the Church (if consistent with equity they might be found applicable) means of relieving the great wants and of curing the defects which the Report of the Ecclesiastical Commissioners pointed out; and, above all, he would entreat the House to avert from itself that judgment which posterity would pronounce upon it, if those in communion with the Church were parties to a transaction from which they themselves, at the expense of that Church, were to derive pecuniary benefits.

Viscount *Howick* said, that in rising to answer the right hon. Baronet he was sensible in no ordinary degree of the extreme difficulty of his situation. Unequal at all times to compete with that right hon. Gentleman, he felt particularly so after the very able and elaborate speech which the House had just heard. The complexity of the subject also greatly embarrassed him. Undoubtedly, however, if, before the speech of the right hon. Baronet, he were convinced of the expediency, the policy, and the justice of his right hon. Friend's proposition, that conviction was now infinitely increased. For, if the right hon. Baronet, with his acknowledged power and ability, and with the opportunity which he had of considering the subject, had been unable to produce more vital or important objections to the motion than those which the right hon. Baronet had stated, he felt, that however he might personally fail in bringing the case under the consideration of the House as it ought to be brought, that failure must in all fairness be attributed entirely to himself, and not to the want of weight or goodness in the case itself. He thought that he should trespass for the shortest time on the patience of the House if he followed the right hon. Baronet in the order of succession in which that right hon. Baronet had made his different statements. In pursuance of this plan he must first advert to the financial objections which the right hon. Baronet had made to his right hon. Friend's proposition. On that part of the subject, however, he thought it better to abstain from going into details. He would do so because among other reasons, there were some parts of the right hon. Baronet's statement which he confessed he was unable to follow, and thoroughly to comprehend; and because he was not so familiar with such subjects as to be able to speak of them without much reflection and consideration. There were some points, however, on which, without any postponement, he felt desirous of making some observations. In the first place, the right hon. Baronet contended, that if the average had been taken for a shorter period of years the result of the calculation would have been different. All that he (Lord Howick) wished to say on that topic was, that the calculations were made from the returns of the Ecclesiastical Commissioners, founded on principles which the Commissioners had themselves laid down. He did not conceive it likely that the Ecclesiastical Commissioners would be disposed to estimate the property of the Church too highly; and it would probably be found, that instead of having overrated the annual amount of fines derivable from Church leases, they had under-rated them, and that property of the Church under this head was much more considerable than his right hon. Friend had stated. At least, all the private information that had reached him, and all the facts which at various times he had become acquainted with, had invariably led him to the consideration, that it was undisputed hat the whole property of the Church, as shown in the papers which had been laid on the table, so far from being overstated, had been largely under estimated. But then the right hon. Baronet argued, that in bringing forward this resolution his

Majesty's Government had altogether omitted to make an important deduction from the whole amount of available property; that whilst they reckoned upon an income of 250,000*l.*, they proposed to raise it by an improved system of management, but had not allowed for the expenses of that management. He must confess he was surprised the right hon. Baronet should have fallen into this mistake, because the amount of fines of renewals on leases, and the incomes of the bishops from that source, as returned to the Ecclesiastical Commissioners, were, as he believed, calculated with this necessary exception or deduction; and therefore the amount returned was the net income and not the gross. Nay, he did not speak from mere belief, for he had had the good fortune to receive an account of the actual state of the case, in respect to the see of Durham, when returns having reference to a period of three years were given in. In those returns which formed the basis of his right hon. Friend's calculations, it appeared that the income of the see was 17,000*l.* a year. But it had since been ascertained that the gross income of the see was not 17,000*l.* a-year from fines, but 23,000*l.*, of which 2,000*l.* might fairly be deducted for the amount of expenses. Let the House then form its opinion from these facts; and if it formed its judgment of the matter in dispute by the see of Durham, it must be admitted, that he Government had underrated their case; because the whole property of the see of Durham, instead of being 17,000*l.* was 21,000*l.*, to which was to be added the amount quoted for expenses, 2,000*l.*, making the gross income 23,000*l.* This, then was the principle upon which the right rev. Prelate, the Bishop of Durham, had made the return of his revenue (and a most exemplary Prelate he was), and they had no right to suppose the other dignitaries would not make similar returns. He contended, therefore, that the Government had a right to assume the amount of income given in was not the whole sum arising from fines from the renewal of bishops' and deans and chapters' leases. The returns made were certainly not below the amount, because they did not represent the gross but the net income. But it must be plain, that the whole expense of management under the direction of a large number of persons acting on no system would far exceed the amount under the projected united and central system, when they would have a few persons of superior description and station giving up all their time in promoting the object, in carrying out which they were to be employed; and he would say, that whether it were in the case of the union of parishes, of an individual parish, or of wholesale merchants or retail dealers, a beneficial result generally followed from conducting affairs on a great scale. Therefore, the right hon. Baronet had no right to make the deduction for expenses of management, which he had assumed. Then the right hon. Baronet said, that they had no right to assume twenty-four years' purchase as the existing value of leases of Church property. Very extensive inquiries had been instituted into this part of the subject, and the result had been to confirm all the opinions which the Government had originally entertained, and to show that the real amount of Church property was underrated. So with respect to the rate of interest, the right hon. Baronet assumed the rate of interest of seven per cent. was only applicable to property of a particular description, and not to landed property. He admitted, that as to house property the case was somewhat different as to the value. But with reference to the question of fines upon renewals of leases, he happened to have heard of a case in point, from the best authority, and he would state it to the House. An Archdeacon in the central part of England informed his lessee that he could not give him a renewal of his lease unless he paid him the sum of 1,500*l.* The party complained of these terms, and intended to resist the demand thus made upon him; but before doing so, he thought it proper to consult an actuary, to know what the value of his interest was. The actuary having looked at the documents which had been furnished him by the lessee, made a calculation, and said, "Renew by all means—close at once; because the real value for which you will obtain your renewal, if calculated upon the strictest rate of arithmetic, would be not 1,500*l.* but 2,900*l.*" This case occurred in a central county of England; and he mentioned it as a strong fact to show, that under the existing laws of Church property, those who held these leases expected terms as advantageous as in the calculation which his right hon. Friend (the Chancellor of the Exchequer) had assumed. But there was another point to which the right hon. Baronet had adverted when he stated, that in those calculations which had been made, it had been assumed that the mines were an improving property, and that they had made no calculation for the large proportion of Church property which was included under that description.

Sir *Robert Peel* had said, that the right hon. Gentleman (the Chancellor of the Exchequer) had reserved himself upon this point, and before drawing any general conclusion, he should have made a proper allowance for this description of property.

Viscount *Howick* was astonished at the statement of the right hon. Baronet, because it was obvious from the speech of the right hon. Baronet, that he had been getting access to information which those on the ministerial side of the House were anxious to see, but were refused all access to; and he certainly was much astonished that the right hon. Gentleman under all the circumstances, should not have been informed that the sum of 260,000*l.*, upon which they proceeded, was independent of church property in mines; and if the right hon. Gentleman would refer to returns of ecclesiastical property laid before the Church Commissioners, he would find that whatever was received from fines, heriots, &c., was made a distinct head. The sum of 260,000*l.* referred to fines on real property, and there was a further item of 33,000*l.* additional, being the average amount of three years' fines received from mines, copyholds, and heriots,. So that if the property were improvable, the whole of that improvement was in addition to an available surplus, and, therefore, instead of making a deduction, this was to be added to the credit side of the Ministerial plan. After this statement, without following the right hon. Gentleman through his figures (which he thought he could show to be very erroneous)—yet upon the great points of that statement he would ask the House whether so much inaccuracy did not pervade it, that the right hon. Baronet had no right to assume that they should be losers to the amount of many thousand pounds. There could be no doubt that there was an immense value to be realised without any loss to the lessees. The right hon. Baronet had further endeavoured to show not only that Ministers were wrong in all their calculations, but that their plan was opposed to the eternal principles of justice, and the sound principles of policy. If the resolution, or the plan which was to be founded on it were to be opposed to those principles, let the House reject it; and for his own part he would add only, that unless a clear case were made out, he hoped the House would reject the Motion. But if, as he anticipated, the case were established, he hoped the House would support the Resolution and allow the Bill to be brought in. If, on the contrary, the calculations which formed the ground work of the proposed measure failed, the Bill must also fail. If the principle on which they proceeded was a just one, the proper course for the House to pursue, was to assent to the resolution as the groundwork for the Bill; and when the Bill should once be introduced let the House scrutinize every provision which it might contain, and let hon. Members throw light upon the vast question to which it referred—but let them decide on the principle of the plan in the first place. The right hon. Baronet had adverted to the distinction which he (Lord Howick) had attempted the other evening to establish between tithes and church-rates. The right hon. Baronet no longer attempted to establish the principle of the noble Lord the Member for Liverpool, but admitted that there was an obvious distinction to be drawn between them. The right hon. Baronet still said, that all property was subject to church-rates; but he must go further, and would say, that in many cases this was not the fact; and here was a case which had been accidentally made known to him only yesterday, which he thought, as bearing on the question under discussion, was well worthy of the attention of the House. It showed, in his opinion, that the doctrine of immemorial usage and of Church-rates being a deduction to which property was always subject, was sometimes pushed too far. This was a case which actually took place in the instance of a friend of his, on whom he placed implicit reliance, and therefore of the correctness of the facts stated he had no doubt whatever. This person built a house within the last few years, in a parish in the immediate vicinity of London. Subsequently to doing it (it was but a small property) the parish in which it was situated chose to build two new Churches. In order to raise the amount for building these edifices (which did not exist when he acquired his property), he was subjected to the payment of the rate levied, which was sixpence in the pound. Was that immemorial usage? True it was, that the evil was the effect of the Churches Building Act; and he would tell the right hon. Baronet, that if it were not for the impolitic and incautious manner in which the provisions of that Act were applied, they never would have been placed in the present difficulty—they would never have heard of this cry for the abolition of Church-rates. Parliament, by its own deed—by coupling these charges with Church-rates, had created all the feeling which existed in the country, and caused those evils which were complained of; and now, unfortunately, they could not retrace their steps. But he would pursue the case a little further to which he had adverted. It was not of the mere paying sixpence in the pound for rates for Churches built since he had acquired the property, that the party in question complained. He complained (perhaps he did not sympathise in it) that the Church-rates which were in existence when he acquired this house were the old Church-rates; but then he said that a Church-rate was incurred for a new Church-yard, and yet when a person died in the complainant's house, he was charged 62*l.* for burying him, the whole amount of which sum went to the rector. As he had contended on a former evening, the Church-rates were, in common sense, nothing more than a tax upon property—a tax totally distinct in its character from tithes. Tithes were a deduction from property every one knew, but they would now be converted into a positive fixed amount, which, if not received by the Church, would go to the landlord, and not benefit the country at large. Tithes and Church-rates were two things so distinct, that there was no sort of analogy between them. An objection to the payment of tithes on the part of the landowner had no better foundation than the objection an individual would have, who having bought a property subject to a rent charge, afterwards objected to pay that rent charge. The right hon. Baronet had admitted that the present system was deeply injurious to the utility of the Church; he had admitted that in the year 1834, so convinced was he of the necessity of adopting some change, that he was prepared to assent to the measure at that time brought forward by Lord Althorp. "But still," said the right hon. Baronet, "the state under any circumstances, must provide for the Church, and therefore it is that I object to the measure at present brought forward; because, under the operation of that measure, the Church will be made to maintain itself." He (Lord Howick) begged to dispute the latter proposition of the right hon. Baronet. He maintained, that under the proposition of his right hon. Friend the Chancellor of the Exchequer, the state would still continue to support the Church; at all events it would continue to support it quite as much as it could have done under the measure proposed by Lord Althorp. The right hon. Baronet, adverting to what fell from an hon. Gentleman on that (the Ministerial) side of the House on a former evening, when the subject of Church-rates was under consideration, said, "The argument used on that occasion was quite unfair, the precedent of the Irish Church does not apply to the English Church—there is no analogy between Vestry Cess in Ireland and Church-rates in England—there is a vast difference in the circumstances of the Church in the two countries." He wished that when they were discussing other topics the right hon. Baronet could as distinctly see the difference that existed between the two Churches. It was, however, necessary to introduce the subject of the Irish Church on that occasion. Seeing a practical evil existed in England—seeing that the keeping up the existing system interfered materially with the usefulness of the Church—seeing that it impaired its popularity in the estimation of the country generally—seeing that it tended to injure the cause of religion itself—seeing also, from another source, the means of making an adequate and satisfactory provision for what he admitted to be very essential purposes, he, for one, was fully prepared to adopt the change then proposed to them. The right hon. Baronet said, "If you are prepared to do this, why was the Report laid before the House, signed by five Cabinet Ministers, in which it was stated, that in the opinion of the Commissioners it would be inexpedient that episcopal property should be improved in the manner proposed? If the right hon. Baronet looked well at the Report, he would see, that the grounds assigned for not attempting the proposed improvement of episcopal lands was, that it would transfer the whole interest of that description of property into the hands of the then holding lessess. It had been argued that the present available amount of Church-rates was not sufficient for the maintenance of the fabric of the Church, and yet an attempt to render that income more secure and valuable was opposed by those who professed to be the friends of the Church. He supported the plan of his noble Friend in 1834, because he thought it would induce the Church to make further advances in reform. His right hon. Friend had endeavoured to follow the example which Mr. Pitt set, in reference to Crown property; and he had considered how far it was practicable to interfere with Church-rates, not only without diminishing the present available resources of the Church, but how he could increase them, and find means for dispensing with the levying of Church-rates at the same time; and the result of that investigation was—the scheme which had been presented by his right hon. Friend to the House for its adoption. The right hon. Baronet had stated that he did not think it necessary that he should suggest any alternative to the measure proposed. It certainly was not expected that gentlemen, acting in opposition to the Government, should bring forward any matured measure to supply the place of one to which they objected; but at the same time it was usual that they should state some general principles upon which their objections rested, or upon which they would wish to see the measure proceed. The right hon. Baronet told them that the measure would not satisfy the Dissenters; that they would demand a great deal more; and that this concession once made, would lead the way to many more. He confessed that this was a mode of argument that always created a great deal of suspicion in his mind. He could never regard it as a sound argument to say, "I will not do this thing, even though it be good, because hereafter, perhaps, other things may be asked that I shall not wish to grant." He had never known one instance where the concession of what was just and right had led to evil afterwards. It was true that the hon. Member for Middlesex might have alluded to other measures which the Dissenters would wish to see adopted; but the hon. Member for Middlesex, they all knew, was apt—he was sure hon. Gentleman would excuse him for saying so—to be exceedingly indiscreet in the language he used. All that he entreated of the House was, that the present measure might be considered on its own separate merits, and without any reference to the fancied measures that were to follow it. If it were good in itself, it ought to be adopted. What was the real justice or injustice of the case? In most of the large towns it appeared the Churchmen and Dissenters were both of opinion that the system of church-rates was not the most expedient means of maintaining the fabric of the Church; and that it was highly injurious to the cause of religion. Was not that a sufficient ground for interference, and for the introduction of some such measures as that then proposed. The right hon. Baronet said, it would be dangerous to the Church, because it would reduce the Bishops to mere annuitants. No church could be built solidly upon any other foundation than the affections and respect of the people, a general sense of its importance to the best interests of the inhabitants of the country, and a feeling of gratitude for the service it had performed. If that were the real foundation on which the Church of England rested, and which he for one believed it did, there could be no doubt that it would stand unshaken for ages yet to come. If so, then, if there were no other object in this measure than the taking from the Bishops those functions which were now imposed upon them, of immediately managing the property from which their incomes were derived, it would, in his opinion, be conferring an immeasurable advantage as well upon them as upon the Church itself. They had often heard of the extreme weight of the Bishops' duties. Some, indeed, of the greatest ornaments of the Church, had gone so far as to say that, looking at the duties to be performed, the number of Bishops was very insufficient; and they had over and over again been told that the sacred functions of the Bishops were amply sufficient for the greatest mortal strength and greatest mortal ability. He held in his hand a pamphlet, written in a spirit highly approved, by a clergyman of the Established Church—and although he differed from him on many points, yet he must say, it was distinguished by an excellent and commendable spirit which he should wish to see more frequently emulated. He said, "No bishop, whatever may be the strength of his mind, can possibly discharge his duties in the manner he would desire; he has to exhort young ministers —confirm children—visit the clergy—and numberless other spiritual duties." The pamphlet, went to show, in a manner that he thought quite conclusive, that if any additional leisure could be granted to the Bishops for the discharge of their sacred functions an immense advantage and benefit would be conferred upon the Church; and further on it was argued, in a very able and masterly but temperate tone, that one of the chief faults of the Church of England was, that it partook too much of the worldly and secular character. He wished he could honestly say, that he thought there was no ground for that statement. If the Bishops, instead of having their time, their thoughts, and their attention distracted by the management of their landed estates—if, instead of being in a situation full of temptation even to the very best of men—if, instead of this, they received a well assured permanent income, and had leisure afforded them, apart from all worldly concerns, to devote their whole energy and talent to their pastoral duties, it would, in his opinion, be an immense benefit to the Church, and to religion. Had the right hon. Baronet considered the temptations that the best of men were exposed to from the manner in which Bishops' lands were at present administered? A Bishop entering upon his see found his income totally unsettled, and might at first be in the receipt of absolutely nothing; he found, at the same time, a natural disposition on the part of the lessee to drive the hardest possible bargain with him. Here at once was a ground of dissension, of discontent, perhaps of discord. Again, as every lease fell in there was a contest about the amount of the fine to be paid for its renewal. Here was another ground of discontent. Here there were temptations to provide for a family by taking advantage of the temporary power attached to the see. Here was the temptation to the young Bishop to run his life against that of the lessee. There was the temptation to the old Bishop to conclude on any terms with the lessee, and to make a renewal rather than run the chance of leaving the profit of the fine to be reaped by his successor. Would any man tell him that these details of worldly business were not great temptations in the way of men whose thoughts and energies should be wholly devoted to their pastoral duties? More than that, would any man tell him that the Bishops of the English Church had never been suspected of going beyond an honest and decent regard to their own interests, and the interests of their successors? Would any man tell him that there had not been accusations against the bishops of providing for their families in a manner not creditable to them either as Christians or honourable men? He did not say, that these accusations were true—he trusted and believed that in some instances there might have been a foundation for them, in the great mass they were altogether groundless. But the very circumstance that such things could be said and believed even for a moment was deeply injurious to the whole of the Church, and, more than anything, perhaps, would tend to alienate the affections of the people from their clergy. He maintained, then, that it was not an advantage to the Church that the present state of things should continue. The right hon. Baronet said, that under the existing system the bishops had an opportunity of acquiring the affection of their tenantry by the lenity they showed towards them. The bishops no doubt had opportunities of evincing their lenity and liberality, but what was the result? Did they thereby gain the affections of their tenants? Were the lessees generally satisfied with the terms on which their leases were renewed? In nine cases out of ten he would venture to say the Church lessee complained of the terms on which he held his lease. He was aware that the right hon. Baronet had pointed out instances in which great improvements had taken place; and he believed that to be the case; but he thought that if ever a system was ingeniously contrived for making parties quarrel, and setting them by the ears, it was the system of leasing Church property, the leases being renewable on payment of fines. But he would say more—not with reference to the bishops indeed, because his observations would not apply so particularly to them—but in reference to ecclesiastical corporations, he would say, that he had known cases in which the power held by them had been used in a manner which made the Church most unpopular. Was any Gentleman ignorant of the fact that there was no county in England probably in which dissent was more prevalent than in the county of Durham? Why was dissent so prevalent in that county? Not because there was any deficiency of wealth on the part of the Church. No one would assert that. No; the great prevalence of dissent, and the great unpopularity of the Church in that county, arose merely from this circumstance—that there was an immense mass of property which belonged to the Church, and a perpetual collision between the lessees and the owners of that property arising from the unfortunate tenure on which the property was held. He, for one—not being altogether ignorant f that county—firmly believed, that the tenure by which that property was held, to a considerable degree explained the extent to which dissent had proceeded there. He came at length to the last argument of the right hon. Baronet, which was, that if we realised any surplus, to that surplus there was a prior claim; and the right hon. Baronet mentioned as constituting that prior claim the necessity of providing further means for affording religious instruction to the poorer classes of this country, and for the augmentation of small livings. He believed there did exist a necessity for much being done to furnish religious instruction to the poorer classes of society, and he should be very far indeed from withholding his assent to any proposition for that purpose. On the contrary, he was not less anxious than the right hon. Baronet that steps should be taken to extend that religious instruction which was so essential to the well-being of the people. But he begged to remind the right hon. Baronet that, even supposing nothing more were done in the way of removing the sinecures of the Church than what was proposed by the noble Secretary of State (Lord John Russell) last Session, yet in that case a very considerable fund might be found for that purpose. But beyond that, the right hon. Baronet himself had shown that Parliament, and society generally, by private subscriptions, had already done much. The right hon. Baronet had read the report of the Commissioners, showing that a great number of new Churches had of late been built, and Ministers provided for them; and that great success had attended the efforts which had been made to extend religious instruction among the people. He rejoiced at that, but what was the inference to be drawn from it. Why, that neither Parliament nor the country, when a case of necessity was shown, would be slow to come forward to provide the means of meeting it. He, for one, would promise the right hon. Baronet that whenever he would digest the means of removing what he conceived to be a crying evil in this country, and would bring forward a plan for extending religious instruction in the three kingdoms, he was perfectly prepared to consider those means, and adopt whatever might appear to be required. But since the report of the Commissioners was drawn up, much more had been accomplished by private subscriptions. He believed that in the metropolis alone a sum exceeding 100,000*l.* had been raised by private subscription for the purpose of Church-building—and to this fund the Duke of Bedford and the hon. Member for Middlesex had most magnificently contributed; a circumstance which ought not to be kept out of view, especially when Gentlemen on the Ministerial side of the House, were accused of holding opinions inimical to the Church. But if private means were insufficient, let the right hon. Baronet make out a case, and propose other means to supply the deficiency, and if the means proposed were not liable to any serious objection, he would promise the right hon. Baronet his most cordial support. But before they applied any additional revenue for the purpose of extending religious instruction among the people, they were bound in justice to the Church itself to show that they had done all that was possible in the way of correcting existing abuses. He felt, that at present, neither he nor the right hon. Baronet had any case to go to the country with and demand a grant in substitution of Church-rates before he had done whatever was possible in the way of removing those existing abuses, by the application of a surplus, merely because there was another purpose to which that surplus might be applied. He agreed in the principle laid down by his noble Friend, the Member for North Lancashire, with reference to the Irish Church Temporalities Act, that any surplus derivable from Church property was applicable for Church purposes by Parliament. He did not consider the sum of 260,000*l.* surplus to be a diversion of the existing revenues of the Church, because it was by the means proposed to be adopted a positive augmentation of those revenues to that amount. His noble Friend, in the case of the Irish Bill, thought it would be exceedingly wrong to apply any surplus in any other manner than for the benefit of the Church; but, at the same time, he was of opinion, that Parliament had a right to consider how that surplus might best be applied to some ecclesiastical object. So, when he looked at the question now before them with the same view, namely, that of applying the surplus to some Church object, it struck him that there was no object to which he could so usefully apply that surplus fund as to the abolition of Church-rates; because the continual agitation caused by levying those rates not only in, but out of Parliament, the bitterness of feeling it excited both in Churchmen and Dissenters, the animosities which it created, were such an injury to the Church that it was absolutely necessary it should be removed. But he did not think it could be effectually removed by their now adopting (whatever might have been the case in 1834) the plan of his noble Friend on the opposite side. He was afraid that the time was gone by when they could hope for that measure to be successful. In cases like this, they all knew that time made the whole difference. Circumstances since 1834 rendered it impossible, with a view to the real interests of the Church, that the plan of 1834 could now be successful. Then there was no other resource to which they could turn, except that to which his right hon. Friend (the Chancellor of the Exchequer) proposed to turn, and he did think that, by applying to that resource, he should be doing a benefit to all parties. If on no other account, the measure would, on that account alone, deserve the most favourable consideration of the House. Although the right hon. Baronet had very slightly touched upon the subject of the lessees, he thought it necessary to say a few words with reference to their interest. He did not collect from the speech of the right hon. Baronet, whether he proposed to avail himself of the means by which Church property might be improved or not. He was peculiarly desirous to know, whether the right hon. Baronet intended to avail himself of this property in any manner or not. He was upon the whole, however, disposed to consider that, as related to the property of the bishops, the right hon. Gentleman did not; because his objection to make the bishops annuitants implied, that it was not intended to adopt any means of taking their landed property from under their control. But, perhaps, with respect to the property of the deans and chapters, it might be different. He thought it would be for the interest of the lessees holding property under deans and chapters to consider whether there was any prospect whatever of obtaining a measure better calculated to promote their interest than the present. Let the lessees reflect, that if the measure proposed last Session, with respect to ecclesiastical sinecures were passed into a law, there would be no longer that interest in the lessors which now compelled them to grant renewals of leases of chapter property; because that property would then come into the hands of a corporation, which, instead of having an immediate personal interest at stake as to the disposal of the property, would have no such interest; the probability, therefore, would be, that very speedily some mode of management would be adopted, which would have the effect of depriving the lessees of those advantages which they now possessed. But independently of that, he was prepared to contend, however paradoxical it might sound, that the lessees would be gainers by the measure of his right hon. Friend, in common with the Church and with the State. It had been stated, indeed, in another place, that it was quite impossible that four gentlemen should sit down at a whist table and all rise up winners. Certainly that seemed to be a very clear and very obvious proposition. But he must say, that the case of a game of cards supplied no analogy to Church lands. He was quite convinced, that there was a very large value lying dormant in Church property which might be called into active existence, and that, by the measure proposed—without prejudice to the lessees but with positive advantage to them, and with advantage to the country, a large surplus might be realised and appropriated with beneficial effect to the Church itself. He would appeal to any Gentleman who was acquainted with Church property held under lease, whether they did not find that the buildings were dilapidated, that there was no planting, no draining, no permanent improvement — whether, in short, the land was not almost universally a century behind other lands with regard to its state of cultivation? He would say, then, that it was most practicable, without injury to the lessees, by following an improved system of cultivation, to produce a large additional value to the benefit of all parties. He felt that he had trespassed upon the attention of the Committee much too long, and he was perfectly sensible that he very inefficiently attempted to follow the right hon. Baronet through all the details of his able speech: but, before I conclude, said the noble Lord, I cannot avoid calling upon hon. Gentlemen not to judge of the measure proposed by his Majesty's Ministers from the character given of it by the right hon. Baronet in the very eloquent conclusion of his speech. Do not let the inhabitants of the country be tormented by the picture which he has drawn of Churches falling down, of parishes left deserted, of a total cessation of every attempt to increase the income of small livings or supply the means of removing the want of that religious instruction which now exists in our large towns. Do not let the country judge of our measure by this character. Let it regard the plan, rather as one which will supply efficient means for maintaining the fabrics of the Church, and of completely and satisfactorily insuring all those objects to which Church-rates are now applied; at the same time, that it will remove the serious and continual contentions and disputes which now exist in all the cities and towns of this country, and which, I am sorry to say, are beginning to take place in not a few of our agricultural districts. Moreover, it must be regarded as a measure for advancing the national wealth, by calling into play the dormant capabilities of Church property, and increasing to an enormous extent the value of Church land; as a measure, too, for rendering the income of the ecclesiastical dignitaries of this country secure to them free from all suspicion of improper practices—and from all temptation to consult their own interests at the expense of those of their successors, or those of the lessees; —a measure, finally, to enable those dignitaries to devote their whole time to the discharge of the important duties which are intrusted to them. Let the House, and let the country be assured, that this measure is honestly and sincerely intended to promote the welfare of the country, to give permanency to the establishment, and extend the utility of the Church.

Sir *Robert Peel* begged to explain one point. The noble Lord, in the course of his speech, had paid him the compliment to suppose that he was in possession of a great deal of information which had been withheld from his Majesty's Ministers. He dared say, that when he should get possession of additional information, he should be able to make a better speech than he had made; but he was really not aware of possessing one tittle of information which was not in possession of his Majesty's Government, and of every other Member of the House, as it was all contained in papers already laid on the table, and printed for the use of the House.

Mr. *Granville Harcourt Vernon.** The powerful appeal which has been made to our reason this night, by the right hon. Member for Tamworth, has not, in my judgment, been at all weakened by the arguments of the noble Lord. With regard to the financial branch of the speech of the right hon. Baronet, I shall not dwell much on that subject. His calculations are entitled to the serious consideration of the House, and their ingenuity has sufficed to shake the conviction which I own that I previously entertained that, in this respect, the Chancellor of the Exchequer had not over-rated the result of his proposed operations. I shall be much deceived if the difference between the value of the property as heretofore enjoyed by the lessees of the Church, and that which will be left to them under the proposed measure, is not at least as much as that for which the Chancellor of the Exchequer has taken credit; —but I care not whether I am right or wrong in these calculations, because I am desirous of resting the question mainly on those higher grounds, on which the right hon. Baronet placed it in the other branches of his most able and convincing speech. Without, therefore, demanding the assent of others, or at once conceding my confidence to the calculations which he has submitted upon this subject, I will only affirm, that the statements of the right hon. Baronet, from their weight and importance, well deserve the careful consideration of every Gentleman who heard them, and were calculated deeply to impress those hon. Gentlemen, even, whose attachment to the interests of the Established Church may be supposed to be less warm than that of Gentlemen who sit on these (the Opposition) benches. I have many means, as perhaps the House is aware, on account of some domestic connexions of my own who are distinguished members of the Establishment, of knowing the value of Church property. This is a subject to which I have devoted much attention, and upon which, I believe I am entitled to say, I possess considerable information. Now, Sir, I am not disposed altogether to differ from two of the propositions which were laid down in the very temperate and honest speech of the noble Member for Northumberland. In the first place, as to what regards the beneficial character of the leases enjoyed by the lessees of Church property. There is a general tendency to suppose, that the Church has come much nearer the real amount of value, in the consideration demanded for these leases, than in point of fact the liberality of the Church has required. One very striking instance of this species of insensibility on the part of lessees to the beneficial terms allowed them in these leases, occurred not many years ago, in the case of a great philosopher distinguished for his own liberality, as well as for his high and various attainments,—I mean the late Sir Joseph Bankes. I have heard this instance mentioned, by a very eminent connexion of mine in the Church, as a striking exemplification of how little gratitude was elicited from lessees for the great advantages derived by them from their holdings. It was a question of a renewal for life, and the lands were held by Sir Joseph. The Archbishop of York required, I think, the sum of 900*l.* Sir Joseph Bankes objected, because for the last renewal for one life, his Grace had received only 600*l.* It was agreed between the parties to refer the matter to Mr. Morgan, the actuary of the Equitable Assurance office; and both of them said, that they would abide by the result of that reference. Mr. Morgan decided that the proper sum to be received by the Archbishop for the proposed renewal at five per cent. interest (on which calculation Church leases for lives are usually renewed) was 1,800*l.* From that period, the Archbishop has been very much in the habit (I think, almost universally) of applying to Mr. Morgan for his estimates as to the terms on which renewals should take place. Gentlemen smile, I perceive; but they must understand that the Archbishop has had many other renewals before him which he has not referred to an actuary; as in cases where the lives in being have been under fifty years. In this case of Sir Joseph Bankes, the two other lives being very old, the terms proposed were a very great bargain for him. The archbishop has taken advantage of the information thus accidentally acquired, though not to the full extent, as he has always allowed various deductions as a boon to the lessees. With regard to leases for lives, it is the general practice to renew at five per cent., and in leases for terms of years at nine per cent. That is the usual custom, I believe, with the Prelates of the establishment. What the working of this practice on the principle of the measure may be I do not know, as it depends on the proportion of the leases for lives to those for years; but my conviction is, that a very considerable sum would be found to be capable of being raised by carrying into effect the plan of the right hon. the Chancellor of the Exchequer. But do I say, therefore, that that measure is either just or politic,—that by any "hocus-pocus," except in the few cases of unimproved property suggested by the noble Lord, any fund or capital is created which did not before exist? Take the instance, to which I have before adverted, of Sir Joseph Bankes and the archbishop; and suppose, that that case had occurred subsequent to the passing of the present resolution. The fine of the Church having been previously estimated at the minor sum, the archbishop would have been precluded from obtaining the difference; nor would the lessee have had the benefit of it, as before. Although the Church never, in point of fact, enforced the full amount which it had a right to demand on these renewals—it undoubtedly always possessed that right. It was a property, thought not *in esse*, still always *in posse;* and that it was not enforced was merely matter of grace and liberality. The next proposition upon which I am disposed very much to concur with the noble Lord (Howick) is that with regard to the management by the prelates, and the chapters, of the property held under the Church two years ago. I should myself have said, that Parliament had no more right, by a declaratory resolution, or otherwise, to interfere between bishops and their lessees, or between deans and chapters and their lessees, than between any private landowners and their tenants. The Duke of Devonshire, or Earl Fitzwilliam, may be a good landlord; but, suppose, for some electioneering purposes, or other reason, his estates are badly administered, and his denial to grant leases operates to prevent improvement in the system of cultivation, sould we have any right to say, if such were the case, that Parliament had any pretext to interfere—to create a capital, by a different management of their estates, which did not exist before—and to have the appropriation of that capital? I do, however, now feel myself under some difficulty; and I confess that I think some measure should be had recourse to (certainly not that proposed by his Majesty's Government) which would have the effect of relieving the bishops, for the future, from a situation into which they have been led partly by the agency of the noble Secretary of State for the Home Department. The Church Commission, partly composed of Members of the Government, has imposed upon the Prelates a duty which they do not like. Take, for instance, the case of the Bishop of Durham, and other Prelates situated like him, who will be required to superintend the collection and administration of the whole revenues of their respective sees after you have already taken away, by Act of Parliament, a portion of those revenues from them. It is unfair that you should impose upon these Prelates all the unpopularity that may be consequent upon their raising their leases, while you diminish their incomes to an enormous extent, and exact of them the administration of funds which are to be realised not for their own profit. I cannot conceive how such a course can be looked upon as being either a just or a proper one. My own opinion is, that the funds which have been allotted to the bishops are perfectly ample; and if, by some fresh and more beneficial administration of ecclesiastical funds—if, for example, by the transfer of the management of these estates to the Commissioners for the administration of Queen Anne's Bounty (a Board of which all the Prelates, I believe, are members)—if, from this administration of the property of the Church by an ecclesiastical corporation for ecclesiastical purposes, any surplus should be found to arise, I should be perfectly satisfied that that surplus should go to the promotion and extension of the services of the Church at large. I am aware that his Majesty's Government, in shaping this measure, have taken care to make it popular, by availing themselves of the experience of former Governments, and by combining, on behalf of its principle, all the elements which may be most likely to conduce to its success; and they have done wisely in their generation. I admit, that when Lord Grey's Government brought forward a measure respecting church-rates, which was introduced into this House under the sanction of the present Earl Spencer, I cordially supported it, because I thought it was based on principle. The present measure is baited only with popularity. The parties who are the great complainants against church-rates are those to whom any tax is obnoxious; and of that class there are always plenty ready to throw up their hats in clamorous approbation of any proposition of this sort. In the next place, (though I mean not to say it invidiously), this plan of his Majesty's Government is obviously meant as a peace-offering—a bribe, in short, to the Dissenters. Then, again, there are many professing friends of the Established Church who are very fond of displaying their magnanimity by voting away the property of the Establishment to other uses, especially if it can be converted to their own benefit; a great many who have so much declaimed against the right (to quote that hackneyed phrase) "of doing what they like with their own," that they seem at last to have fallen upon the illogical conclusion that they are entitled "to do what they like" with what "is *not* their own." An apposite illustration of the just limits of this principle may be drawn from a passage which I have met with, in some book of memoirs, relative to an occurrence which took place between King James the 1st and two of his bishops, who were discussing the right of the King to deal with the property of the Church. The King asked one of the Prelates, Bishop Neal, whether it was not in his, the King's power, to dispose of their property for State purposes. "God forbid!" replied Bishop Neal, "but that your Majesty should, for you are the very breath of our nostrils!" Thereupon the King turned to the other Bishop, I forget his name—[Mr. *W. Wynn*: Bishop Andrews,]—yes, Andrews; and required his opinion as to that doctrine. The Bishop hesitated; the Monarch insisted. At length, said Bishop Andrews, "I know not what to tell your Majesty of others; but, at any rate, you may take my brother

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* From a corrected report.

Neal's, for he freely offers it to you." I see something of the Stuart spirit about the present plan. It is to be a voluntary act on the part of the Church, and of the lessees of Church property—only under strong compulsion. If I was in the place of the Stuart, I would adopt the advice of the courtier Andrews, and deal with the property of those only who are so ready to expose to prejudice and injury the property of the bishoprics. Sir, I am here desirous of observing, that I do not wish to say anything in disparagement of the Dissenters. My own feeling is, that we owe great obligations to the Dissenters in spirituals. I think they have very usefully supplied the gaps which have been left by our own Church, either from the occasional apathy of lukewarm ministers, from its insufficient resources, or from ineffective machinery. I think, indeed, that we are under mutual obligations. I conceive that the Dissenters owe much to our Church, for having set up, and so long maintained, a standard of sound morality, of pure divinity, and extensive learning: on the other hand I am free to confess, with that degree of ingenious shame, perhaps, with which we take blame to ourselves for faults which we might have obviated—that the Dissenters have very ufefully stimulated that zeal which may, not unnaturally be supposed to flag, sometimes in an establishment, reposing under the easy security of its endowments. Competition has thus produced a useful rivalry between the respective ministers in exercising the incessant duties of their high profession. But, whilst I bear this willing testimony to the efforts of those excellent Dissenters who have confined their differences from Establishment within the bounds of legitimate dissent (that is, as to spiritual matters), I must add, that I think an earnest solicitude about temporal matters has too frequently interposed to interrupt, on their part, that holy and auspicious rivalry which might otherwise have continued to work harmoniously in promoting the "Glory of God in the highest; and on earth, peace and goodwill towards men." But the fames of religious discord have been kindled by selfish agitators. Discontent has been fanned, in order to minister to objects of political excitement. Conscientious scruples have been studiously suggested, where they might else have lain dormant; sordid feelings have been called into action in the place of religious convictions; and the pure waters of spiritual zeal have been rendered turbid and embittered by the infusion of worldly selfishness and sectarian pride. Have there been no motives, and no rewards, for this species of agitation within our recent experience? It must be notorious to every one who has marked the temper of public meetings, and the tone of the debates of Parliament during the last few years, what has been its object and its success. I do not agree with the noble Lord, the Member for Northumberland, that if it had not been for the discontent excited by the building of the new Churches under the recommendation of the Church Commissioners, we should have heard nothing of this outcry against Church-rates. Why, Sir, the new Churches were erected for the accommodation of the poor, on account of the discontent which had been created by the want of them. Yet it is true that the additional charges which they have caused, furnished an ostensible grievance to the aroused Dissenter and the shabby churchman. We have had great political agitation mixed up with these topics, and no unskilful management devoted to the attainment of its objects. Seats in Parliament have been cheaply purchased, by adroitly influencing these passions, by strenuous denunciations of this species of grievance, and by unhesitating pledges to procure its redress. Again, it is almost within every Gentleman's experience, that professional men have found, in similar declamations, the path to exclusive and extensive practice. Again, there have been delegates appointed by the various classes of sectarians, who have discovered themselves to be invested with a personal consequence, on that account, in the eyes of their brethren, and with honourable, perhaps profitable, employment. Dissenting ministers have been enabled to flatter their congregations into larger and more liberal contributions, by urging their claim of equality with the Church, and by descanting on their importance, their power, and their rights. I say this, because I do not think that the Dissenters, from what I have seen, do, as a body, entertain these conscientious scruples to the payment of Church-rates. What has been the feeling of the ablest and most pious men among them on this subject? If Dissenters, generally, cherished this conscientious objection, of which we have heard so much, to the payment of Church-rates, we should suppose, at least, that it must have existed among them in the days of a Watts, a Doddridge, or of the late Adam Clarke? One would have supposed that this objection must have been insisted on in the writings of those good and eminent men. But the fact is not so. Now, from my own knowledge of, and occasional intercourse with, some of the best Dissenters living, I can state, that so far from their having interfered to protest against Church-rates, they deprecate—as the distinguished men I have just named did deprecate in their time—any temporal interference on this subject. It is known to some hon. Gentlemen who hear me, that I have the honour to hold a high ecclesiastical office in the province of York; and, from my experience in that capacity, I can speak with some degree of practical knowledge on this subject. In the speech which he delivered last week, on this question, the Chancellor of the Exchequer quoted some instances in which the payment of Church-rates has been resisted. The first case of this description which he selected, was that of Sheffield. There, the Church was remarkably well served, and the clergyman very popular—(a fact which is to be noted, because in some of the cases of new Churches, where the service has been less-ably performed, the Church-rates have caused discontent; but the new Churches in Sheffield have been ably served, and well attended, and popular). The Churches in Sheffield which have been built under the new Act, the Church-building Act, have been found to work exceedingly well, and from the pew-rents alone, in each of them, a very handsome salary has been raised for the ministers. The Chancellor of the Exchequer quotes this as the first instance in which a strong opposition was manifested to the payment of Church-rates. No doubt it was very well judged of him to cite, if he could, some striking instance of a popular resistance to these rates, prior to the agitation of those great political questions which have lately, in such rapid succession, occupied the public mind. Now, what was the case of Sheffield? I advert to it because it was the only case, among those to which the right hon. Genthe man referred that preceded the passing of the Reform Bill. The case was this: there was a fund already vested in the hands of the Church burgesses of Sheffield, and the resistance in that instance arose, not from the Dissenters alone, but from all the rate payers in common. They said " the Church burgesses ought not to be at liberty to apply their funds at their own discretion, to embellish the Church, or provide for it such luxuries as organs, or other similar objects of ornament or convenience,—but they ought, first, to pay the proper demands on account of the support, and repairs of the building." The next case was that of Attercliffe. That came before me, in the Ecclesiastical Court of York, as Chancellor of the Diocese; and I decided for the rate. In that case, the rate was not abandoned (as was erroneously stated by the Chancellor of the Exchequer), but, on the contrary it was all paid. The Church of Attercliffe had consisted of a miserable dilapidated Chapel. The Duke of Norfolk (I speak it to his honour, —and I mention this as another pregnant proof of the feeling actually existing on this question, among conscientious Dissenters)—gave a piece of ground, on which the Church was built by the Church-building Commissioners; and contributed, I think, a pecuniary subscription also, for the purposes of additional decoration to that edifice. It was served by a clergyman,—not the worse, allow me to observe, for being one of that class who are called evangelical preachers. That service, I must say, from that day to the present, has become, under his ministry, more and more popular in the parish. But the case in which Church-rates were refused at Attercliffe arose out of the resistance of a Captain Flower, who had only become a resident in the parish just before, and who has already quitted it, in consequence of an altercation between him and the churchwardens. When the case came before me, I found that one of the most active supporters of the rate was an eminent Dissenter of the same parish; and I must repeat, that the Chancellor of the Exchequer was quite in error, in stating that that rate was not paid. The whole of it was collected. But the right hon. Gentleman also took occasion to say, that the costs of the legal proceedings were enormous. Why, Sir, the House will allow me to state, that it was one of the most aggravated cases of vexatious and dilatory resistance which could by possibility occur. The greatest efforts were made on the part of those who supported the rate, to accelerate the proceedings. The defendant had procured a subscription, and thus had other people's money to play with; and thus the opposition to the rate was persisted in for two years. It was then felt by the friends of the Church, that, pending this suit in the Ecclesiastical Court, it would be better to suspend any further rate, which might be similarly contested. A subscription was, therefore, raised for supplying the services of the Church; and this practice, having been adopted from a temporary difficulty, has been persevered in. But a gentleman, who has taken a deep interest in these proceedings, writes me word from the spot that he has not the slightest doubt, that if he were to propose a rate to-morrow, it would be carried in the vestry by a large majority. Several cases of a similar nature have been tried in the court over which I preside, with similar success. I have seen so much, however, of the evil growing out of these cases, that I am very anxious that some law should be passed which, by judiciously altering that which now exists on the matter of Church-rates, might remove those impressions which unfortunately exist in some parts of the country. If the Church-rates had been originally placed under the cognizance of the common law, instead of the ecclesiastical law, I do believe, from what I have seen and known of the most populous towns of Yorkshire, that the hostility to their payment, which has since been manifested by Dissenters in those districts would never have been exhibited. The dislike of Church-rates has usually arisen from some hostility to the churchwarden; some suspicion of jobbing on his part, or some payment which the parishioners have thought proper to resist as illegal or exorbitant. If the measure which was introduced into this House by the present Lord Spencer, for the regulation of Church-rates, had passed this House, which it would have done, in my opinion, but for the part that was adopted in reference to it by the hon. Member for Boston (Mr. Wilks), it would have given, ere this, universal satisfaction, and restored peace and tranquillity, on this subject, in every parish of the country. Since that period, however, time enough has elapsed—and the interval has been but too industriously employed—to aggravate that feeling, and work upon that irritation, which has been so perpetually excited for purposes totally unconnected with those which the proposers of this measure profess to have in view. Disputes originating in local contentions and personal jealousies thus, in many parishes, have given birth to religious dissensions and animosities, which it is becoming more and more difficult to allay. In other cases, the opposition to Church-rates has arisen from the mistakes, or through the fault, of the churchwardens; in others, again, it has been the result of the errors, or the neglect, or the ignorance of the minister. There are many ministers of the Church, who are by no means so well informed of their rights as they should be, who think that a Church must of necessity be entitled to have ornaments and appendages which, in strictness of law, are not held to be necessary. And in many cases, likewise, where churchwardens have imagined that they have a right to order such things for their Church, *proprio vigore*, I have been obliged to send them back, and tell them that the rate, which they had made for those objects without the consent of a vestry, could not be confirmed. Now, Sir, I not only say that, in my judgment, Dissenters have not conscientiously objected, as a body, to pay Church-rates, but I think that they ought not to do so; and I concur with Dr. Doddridge, Dr. Watts, and others of their best authorities, that they have no right to do so. I think that an establishment,—by which I mean, not one supported by private subscription, by popular favour, by the occasional vote of this House, or by other casual means or funds, but a fixed, independent, endowed establishment, recognised and protected by the Legislature,—is a benefit to the country, and a benefit which I ought not to object to pay for. I think that the Budget gives the most decisive refutation of this kind of objection, in providing for so many local or partial objects out of the general national taxation. For example,—the inhabitants of England, Scotland, and Ireland, are charged by the Chancellor of the Exchequer every year for the expenses of the Metropolitan Police, because that is deemed a national object; and it would be no answer, for any one who demurred to pay his taxes, to say, "I have never been in London, nor benefitted by it." I remember that one of my constituents said to me once. "What a shame it is that I should have this highway rate levied upon me." I asked him, "Why?" His answer was, "Because I never drive or ride; I always walk, and therefore don't want your M'Adamised roads." In short, Sir, as to the difficulties about paying Church-rates, which some people profess to entertain, I will only add, that there would be no end to these objections, which might be brought against all taxes, if nobody were to pay any taxes to the State but those for purposes of which he himself conscientiously approved. The Government of Lord Grey, as I have already said, in adverting to Lord Althorp's Bill, proceeded on the principle of the recognition of a national Establishment. In order to justify the support of this Establishment, assent is required to two propositions, which here, at least, few, I presume, would be disposed to deny. The first is, that it is not fit that there should be no Establishment whatever; the second, that the Church Establishment of this country is, under existing circumstances, the best that could be devised. If the House concur in these two propositions, it follows that they must agree with me in holding, that if we do less than provide the establishment with means to support the fabric of that national Church, we altogether desert her; and I contend that, to adopt this measure, would be to interfere with property in legal possession of the clergy, just as much as if we were to interfere with property in legal possession of the Dissenters. Suppose that they were to find out, some day, that any party had given to a private chapel, of the sect of Johanna Southcote, for example, an endowment much more extensive than could actually be required for its sustentation and repair. Unquestionably, it never could be permitted that the Chancellor of the Exchequer should interfere with that property, although, in the course of time, or from circumstances, it should have more than sufficed for the specific purpose for which it was originally intended. So, I say, that Church property in general, cannot, with any greater warrant of justice or of right, be interfered with, than property in the other case. And if you choose to relieve persons from a burthen to which, by long prescription, they have been for centuries legally liable,—to which they would be still as much liable now as ever, were it not that, in some parishes, the power which is opposed to the claim asserted under that prescription, by the passive resistance of vestries, neutralises, not repeals, the law,—I say that the Chancellor of the Exchequer would be robbing the Church Establishment, by just the precise amount to which the property of the country, so liable at present, would be thus relieved. I think that the noble Lord, the Secretary of State, and his colleagues, members of the Church Commission, have fairly exposed themselves to the same imputation which was cast upon their forerunners in similar measures above a century and a-half ago,—of whom it was said, that they had contrived to

> Make an utensil of the Church,
> And then to leave her in the lurch.

The right hon. Gentleman has thought proper to quote from a pamphlet, written by an eminent divine, a very grave authority for his proposition that "bishops may be paralytic;" he actually thought it worth his while to cite this authority in order to found upon it an argument for the measure he now submits. I am bound to admit, that, as a matter within the range of physical chances, bishops may become so, and by consequence unable to judge of the value of the leases which the law permits them to grant. But as the right hon. Gentleman quoted that authority for other purposes, I must take leave to correct him. He has quoted another passage to the effect that "bishops may grant a concurrent lease; and they generally ask two years' income for the renewal, while chapters, &c." And the noble Lord the Member for Northumberland (Lord Howick) said, "that bishops frequently renew leases for twenty-one years, asking a fine of two years' income, or rent; chapters, not having that privilege, a fine of only one year and a half." Sir, I do not pretend to know what the universal practice of the sees of England may be, as to the terms on which renewals of leases under them are renewed; but, I do know two cases, and I am certain that they are not exceptions, but conformable, to the general rule, in which the practice is just the reverse of that which has been stated. In the dioceses of Carlisle and York, bishops' leases of twenty-one years have been during the last forty-five years renewed invariably on fines of a year and a half income, while in my own experience a year and three quarters has been taken by several chapters. The rest of this paragraph is to the effect that the Legislature took different views of the relative merits of bishops and of chapters from those acted on by the commission, and had enacted laws making the dean and chapter safeguards against episcopal rapacity. It is hardly necessary for me to say, that the very reverse of this is the truth. By the common law, bishops could grant no lease without consent of the chapter; but the Legislature passed an Enabling Statute, to authorise the bishop to grant these leases, without the consent of the dean and chapter; and a restraining one, to prevent the dean and chapter from granting them except for the terms and with the limitations therein prescribed. Mr. Smith in the same pamphlet, on a matter which, as indicating some extraordinary sources of episcopal revenue, may be fitly connected with this question, states, that the sale of the archiepiscopal patronage called Options, is "a corrupt and unabolished practice; that the Commissioners do not seem to know of its existence, at least that they are profoundly silent on the subject, and that they are not alluded to in the church returns, though they must be worth some thousands of pounds." The same writer proceeds to make some handsome remarks, in reference to the Archbishop of York,—such, indeed, as are consistent with the friendly intercourse which has always subsisted between them, personally,—as to his probable conduct in this matter. Now, Sir, I take it upon myself to say, it is totally impossible, in law or in practice, for any Archbishop to make any profit whatever by these Options. They possess, indeed, the peculiarity of being transmissible by will; but they are more tied up by strict regulations than any other presentations. There is a case in the books, in which, under the will of an Archbishop, the Court of Chancery would not allow the executor even to give an appointment to a nephew of the testator, because the presentation seemed to savour of marriage brocage. It only allowed the executor to name a person to whom, in the judgment of the court, the Archbishop would have conferred it on account of his merits, as collected from the tenour of his will—and even a fit object of the patronage was debarred from profiting by it, because an exchange of preferment caused suspicion of a simoniacal bargain. I trust, therefore, that the House will perceive, from the nature of the regulations which govern these appointments, that it is impossible for the Archbishops, personally, to get a single shilling out of these Options. The right hon. Gentleman, in the course of his speech, brought forward a case, from which he appeared to draw a different conclusion from that which it ought to impress on the House a case in which certain property of the see was sold under an Act of Parliament by a Bishop of Bristol. Why, Sir, I could give him another and a parallel case, in the instance of the Archbishop of York. It is not very many years ago, since, under a special Act of Parliament, certain lands of the see of York were sold; but in this, as in the other case, the sale was for the benefit of the see, not for the personal benefit of the bishop. There was also a personal benefit secured to the lessee who applied for the Act, but no *tertium quid* created by that transaction. The whole of the imaginary funds, upon which the right hon. Gentleman is going to lay his paw, consists in the proceeds of a sale of a beneficial interest, for a term of twenty-five years which has at present been purchased and is held for a consideration equivalent to a term of twenty years only. In the leases for lives this is the difference: — in those for years, the greater profit allowed by the Church makes the difference between the present terms of enjoyment by the lessees, and those now offered, much greater. The right hon. Gentleman proposes to take the difference between the two. That difference, if realised, will indeed produce a material gain to the public; for they acquire just the value which will be lost by the lessees. The right hon. Gentleman is deluding the House, when he puts the case as that of a proposition for the voluntary acceptance of the lessees. He has suggested the analogy of the proceedings in the Crown leases;—in that case the Crown imposed such terms on the Crown lessees, that for them, it was "Hobson's choice." The lessees in the one case, however prejudiced by the arrangement, had a lessor, with whom it was useless to contend; in the other they have lessors from whom, as dignitaries of the Church, they may count on renewal on favourable terms. With regard to the working of the plan propounded by the right hon. Gentleman, I certainly believe that a larger surplus would be found to arise from realising the amount of the beneficial value of these church leases, than has yet been anticipated; and I am prepared to look, with some degree of confidence, for support from those Ministers who have advocated the views of the Ecclesiastical Commission, of which they were members, when I contend, that the only legitimate purpose, to which such a surplus can be appropriated, is, the augmentation of the small livings. That is an object especially advocated by the Commission itself. The Report announces the utter inadequacy of the means which it can contemplate as fairly within its disposal, to remedy the enormous deficiencies which it describes to exist, in the supply of spiritual instruction to the people. It speaks of the majority of the working clergy as ill paid, and of millions of souls without the opportunity of public worship. If Ministers have now become convinced of the practicability of the scheme of realising funds, which they repudiated in the Report of the Commission, I hope they will apply them to this admitted exigency. The Chancellor of the Exchequer has made merry with some anecdote from the reign of Elizabeth. He has also joked about the Statute of *Circumspectè agatis.* Is he aware that the author of that Statute was Edward 1st.; our English Justinian, as he has been called, and that it was passed to confirm the power of the ecclesiastical law to enforce Church-rates? It seemed to be the aim of the right hon. Gentleman, in citing the case of Queen Elizabeth, to show that, at that time, the bishops of our Church received only 2,000*l.* a-year. But though, without insisting on the difference in the value of money between that period and the present, I may be inclined not to dispute that Queen Elizabeth did deal hardly with the Church, the right hon. Gentleman must give me leave to say, that he has dealt with it much more so—for, if the measure, which he now presses upon our adoption, had been passed at that time, the same income of 2,000*l.*, which a bishop possessed under Elizabeth, would have been all which, by possibility, he could have enjoyed at this day. There was one observation made by the hon. Member for Leeds, to which I must advert. He said, that the difficulty would be greater to find people to fill the Churches, than churches for people. I believe a more conscientious Gentleman than the hon. Member does not exist, and he is considered to represent a very large body of the Dissenting persuasion. But, to me, the observation from a Representative of the part of Yorkshire, from whence he comes, was a most extraordinary and surprising one. He must have shut his eyes, for some time past, to what has been passing around him, in his own immediate vicinity. Is he not aware, that a munificent subscription has been raised within the last few months, amounting to not less than 12,000*l.*, to erect a new Church at Leeds? Are the people so very full of money, at the present time, that they will lay out 12,000*l.* on Churches, when they cannot find people to fill those which they have already? I think there cannot be a stronger proof adduced, of the existing deficiency of Church accommodation, in that district of the kingdom, than the fact which I have mentioned, of this subscription at Leeds. Have we no analogy in our favour, when we claim, on principle, that there ought to be a national Church in every parish of England and Wales? Why, Sir, the fact is so in Scotland. The heritors are bound to repair their Churches, and to extend the accommodation of any which may be dilapidated, to the extent of providing for two thirds of the population, as well as for the residence of their ministers. Sir, believing, as I do, that the Established Church is tolerant in its spirit, Scriptural in its doctrine, decent in its ritual, and pure in its practice. I am not prepared to deal that " heavy blow, and great discouragement," (to use the words which have been employed elsewhere), upon that Church which most of us, in this House, at least, profess,—to which many of those, whom I have now the honour to address, are, I am sure, sincerely attached,—which others, now within these walls, are sworn not to injure,—which almost all of those who sit in the other House are earnestly determined to protect;—I will not, I say, " deal that heavy blow, and great discouragement," which this measure should it pass into a law, would inflict upon it. To that Church, of which one portion of this assembly are communicants, —and which another portion is bound, by the most solemn obligations, not to weaken or to disturb,—I trust that all who hear me will be true; but if I find that in this hope I am deceived, I shall be compelled to say to those who sought and gained emancipation from their civil disabilities, under this pledge, that—

> Non hos quæsitum munus in usus,

Mr. *Fowell Buxton* said, he did not intend to enter into the minute details of the question, after they had been so thoroughly acquainted with many of those details, through one so perfectly conversant with the whole subject, as the hon. and Learned Member who had just sat down. From such an authority it was enough for him to learn to-night, that the right hon. Baronet, the Member for Tamworth, was wrong in denying, and that his right hon. Friend, the Chancellor of the Exchequer, was right in assuming, there would be a surplus. It was a remarkable feature of this plan of his right hon. Friend for raising the fund for sustaining the edifice of the Church, that though in all other sorts of contributions to the State, some one class of subjects must be the sufferer; yet here, from what they had heard, it was clear that all must be gainers. The lessees who were called upon to make an outlay of capital on their land leased from the Church in proportion to the value of the tenure they held, were not prejudiced finally thereby, for they procured, as a consequence, the renewal of their leases on easier terms, whilst their prospects of gain from the property were also increased. In answer to the objection of the hon. and learned Gentleman opposite, who said he could not see by what sort of hocus-pocus it was to be contrived that the public should benefit by this project of the Chancellor of the Exchequer, he would suggest to the hon. and learned Gentleman, and those who thought with that hon. and learned Gentleman, that the public at large must inevitably be benefitted by increased outlay of capital on the very extensive domains of the Church, and by the increase of produce from such lands in consequence of the improvements made in the culture of the land of the Church. Would not this produce a very beneficial effect upon the prices of the necessaries of life, and so far benefit the community? He agreed in opinion with his right hon. Friend, the Chancellor of the Exchequer, that the alteration would prove a benefit to the interests of the Established Church. But should it fail, the whole expense of it could only, as the right hon. Baronet admitted, fall, upon the consolidated fund. In reply to the assertion that the whole plan was of a piece with the conduct of the Government, and showed that there was a conspiracy between the Government and a powerful body in the state to confiscate and divert to purposes foreign to its proper objects, the domains of her Church and subvert altogether the Established church, he would ask how was that to be effected? Was it to be accomplished by touching any vital point of doctrine in the Church? No one had adverted to such a cause of apprehension. Was it to be brought about by subtracting anything from her income? Not a penny of that income was to be touched.—He would repeat in substance what he had said. The Church would, after the plan of his right hon. Friend was brought into operation, enjoy the same amount of income that it had enjoyed for some centuries past. The projected improvement was an improvement which was to cost the Church nothing. It would be borne only and entirely by the surplus revenue arising out of the expected improvement; upon which he felt the House, after the statement made to it on a former night, had a right to calculate. But he would assume that the danger apprehended by many, though not openly avowed by Members on the opposite side of the House, was, that the fabric of the Churches would be permitted to go to ruin. He would ask what might be expected to be very soon the state of those Churches where Church rates were resisted if the law continued as it was? It was true they had the law on the side of the impost. That law might be strong enough for individuals, but would it be safe to try whether it was strong enough against combined resistance? He confessed he knew nothing that was more likely to be effectually resisted than a tax which was objected to by the public, or a large body of the public, on the ground of a religious scruple, superadded to a conviction on their parts that there was a fund more than adequate for this object in the improved revenue of the Church. If the temper of the times and the increased intelligence of the age appeared to demand this attempt at improvement in ecclesiastical property, why not place the provision for this important object upon a basis which would be incapable of being shaken hereafter from the nature of the fund, and must last for after ages? Why was it that the right hon. Baronet said, he would if he were in power, at once propose in order to maintain peace and promote good will amongst all classes, to pay the charge out of the consolidated fund? Did it escape those who opposed the measure of the King's Government that the present means of providing for the sustentation of the edifice of the Church, and other incidental charges, were the causes of that bitterness of spirit and hostile feeling to the establishment which had too generally broken out in different parts of the country? Could such a state as this be beneficial to the Church Establishment, or conducive to that Christian charity, without which no true religion could for a moment exist?—There were, in his view of the subject, three distinct reasons why the proposition of the right hon. the Chancellor of the Exchequer should be adopted by the House. In the first place he thought the means suggested would produce the fund required for the maintenance of the fabric of the Church. In the second place, he seriously believed that this alteration in the law would allay the ferment and irritation but too generally experienced, in consequence of the present state of the law; and, in the third place, he believed the improvement might be effected without any increased cost or charge to the community.

Having so far expressed his satisfaction with the proposed change in the law, as to this portion of Church property, he was afraid what he had yet to say upon the state of the property of the Church generally, and the measures proposed lately for its distribution, might not be agreeable to the ears of those who had recently brought forward a series of measures which, though valuable in some respects, were far from reaching the evils of which he and other Friends of the establishment felt just reason to complain. This he begged to suggest, without being at all disposed to follow the conduct of some individuals, who one day were seen actively engaged in supporting the measures of the administration, and on another day were found in the ranks of those who were its bitterest opponents and revilers. The right hon. Baronet had argued, that the increased revenue ought, if realised, to go to the augmentation of small and insufficiently paid livings. Following up that line of argument, the right hon. Baronet had assumed there was a yearly surplus pointed out by the Report of the Church Commission, amounting to 235,200*l.* applicable to that object. In that assumption, however, the right hon. Baronet was in error. It was true that the Commissioners stated that 235,000*l.* would be required for the augmentation of small livings, including private as well as public livings, but with private livings the public had nothing to do. To augment the small public livings in the proportions stated by the right hon. Baronet, would require but 145,195*l.* Then look at the deans and chapters. Why one of the deans, it appeared from the Commissioners' Reports, had not less than 4,500*l.* a-year, and each of his canons 2,000*l.* while the archbishops and bishops enjoyed their 7,000*l.* their 10,000*l.* their 20,000*l.* and their 50,000*l.* a-year. Was it not very rational, then, that the people should, when they were told of the poverty, the distresses of the lower clergy, and when similitudes were drawn between the condition of the clergy and that of servants in high families, was it not very natural for the people to consider that there were other resources whence the distress of the lower orders of the clergy should be relieved without their being called upon for the means? Was it not an acknowledged principle that the labourer was worthy of his hire, that there should be some correspondence between the duties discharged and the amount of remuneration for those duties? Was it in accordance with this principle, however, that while one clergyman received but 100*l.* a-year, for attending to a parish with a population of 5,000, another clergyman should be paid 5,000*l.* a year for attending to a population of but 100? He was free to confess that he had not come prepared with documents, or to bring forward individual instances, to illustrate his positions; but having gone so far he was tempted to say this much—that looking at the statements which had been made upon official authority, he saw this very remarkable fact, that the men who had the richest parishes, and the smallest population, also invariably had with them one or two other parishes. Upon these grounds, then, he agreed with the right hon. Baronet, that looking at the case of the inferior clergy, seeing the position in which they were interested, if the House proposed to make a provision for them out of the sums which might be raised, he for one would vote with the right hon. Baronet for thus allocating it, and in so doing he would show the sincerity of his feelings. He hoped no hon. Gentleman would say that he was not sensible to the great importance of doing away with the animosity arising from Church-rates; but he fairly and frankly said this, that the more pressing, the more gigantic evil was that to which he must allude—that multitudes of the population had no means of religious instruction afforded to them. But he need not go through the facts; they had been stated by the right hon. Baronet. The facts were even stronger than the right hon. Baronet stated them. There was this fact which it occurred to him to remark upon:—Taking St. Paul's as a centre, and making a circle of eight miles round, there was a population for which, including all places of religious worship—the synagogues and others—there was accommodation for religious worship for only 500,000; but then let them look to the vast numbers without the means of obtaining admission to places of religious worship. There was the same want of accommodation for thousands of persons in every manufacturing town. It was the same in Norwich, in Manchester, and in all directions throughout the country. What happened in his more immediate neighbourhood would justify what he was going to state. He had heard it stated at a public meeting, that in Spitalfields, with which he was well acquainted, there were not less than 70,000 persons who had not the means of religious instruction. He had conceived that statement to be an exaggeration, and therefore he took the best means of ascertaining what was exactly the fact. There was in an area of half a mile long and a quarter of a mile broad but one chapel, which could accommodate but 700 persons; but there were a Chapel and a Church about three times as large; and this was all the accommodation for the population of the district. Now, in that little spot there were 70,000 persons, who, if they had the desire for it, had not the opportunity of attending public worship. In the next parish to that there were 10,000 children without the means of receiving religious education. There were 10,000 of the rising population in that parish without the means of receiving a moral and religious instruction. He had h ard a great deal about the comparative merits of the voluntary principle and the system of the establishment. An important question he admitted it to be; but it sunk in his mind into insignificance compared with the question, should, then, their fellow-subjects remain utterly destitute of all religious instruction whatever? What signified it which system was the better if neither the one nor the other accomplished what ought to be the object of both? It seemed to him that to discuss which was the best was idle; what they ought to do was to strive who could do the most, and not cavil whether one had done more than the other. Provided only that the essential truths of Christianity were taught, he, for one, did not care—he comparatively cared not at all—from whom the instruction came, whether from the Quaker, the Methodist, or the Moravian. He did not consider that he was an enemy to the Church in saying this. He wished the Church would look to the opening there was for it in the uncultivated district to which he referred. There was there as much not only as they could do, but still more; and the advocates for the voluntary principle could render their exertions available there also. Instead, then, of indulging in idle dissensions, let Churchmen say to Dissenters, and Dissenters say to churchmen, that "here, at least, is an open field for us—here we cannot jostle against each other—may you be fortunate in your endeavours;" while you may both say, "May I be fortunate in mine, and both successful in cultivating the wilderness." Both could be usefully employed in this endeavour. He felt the importance of this subject, and with this feeling on his mind, he said, that if the right hon. Gentleman came forward and would pledge himself by a resolution to the effect that whatever could be secured out of this or any other surplus of the Church would be applied to this purpose, then the right hon. Baronet should have his vote. But he was afraid that there was but little chance of this, because it was remarkable that amongst all the facts relied upon by the right hon. Baronet, this did not appear to be one of them; and when he (Mr. Buxton took the liberty last year of broadly putting forward this position, it was opposed by the right hon. Baronet. He then used as an argument, that whatever could be saved out of the Church-rates ought to be applied to this purpose. [*Cheers from both sides of the House*]. He perceived that the right hon. the Member for the university of Cambridge cheered that; but then he recollected the ungracious reception which the right hon. Gentleman had given to him last year. Did the right hon. Gentleman recollect the tone of horror with which he spoke of his proposition? He was quite sure the right hon. Gentleman spoke of it as if he felt the utmost astonishment that any man connected with the Church of England could have adopted the course which he then recommended and which the right hon. Gentleman assured them would tend to the destruction of the Church. The right hon. Baronet, when he touched upon the incomes of the Bishops, used these expressions :—" It is said, further, that there is to be a reduction to the amount of 5,000*l.* in the income of the Archbishop of Canterbury, for the purpose of raising the incomes of one hundred curates 50*l.* each. I should be glad if that could be done; but in what principle would it end ? In the utter confiscation of Church property". But he was still more severely treated by the hon. Member for the Universaty of Oxford. He could not find the words, though he had looked for them ; but the expressions used had arrested his attention, because it was the first and last time that he could remember that the hon. Member had used such harsh expressions towards him. The hon. Member was pleased to say of him, that in making such a proposition " he had used the very words of Sir Harry Vane." He was not very sanguine, then, of the support of the hon. Members opposite ; but this he said, with all the disposition that he had to get rid of an obnoxious tax, still he would give his vote, provided he had a pledge from the hon. Members opposite that they would obtain for him the measure that he wanted when they came into power ; that they would take the necessary measures to secure his object ; that they would sweep away all sinecures from the Church that they would reduce all extravagant livings ; that they would make all needful reforms, and that wherever it seemed necessary they would have Christianity inculcated amongst the destitute and distressed population. And if they did this, then he for his part would say, that no vote on earth could be given with greater satisfaction than in support of the proposition of the right hon. Baronet. But if these things were denied, and he had to vote for the naked proposition before the House, "ay" or "no," then he would support the measure proposed to them as he thought it much better that money that could be so well applied should not remain hereafter unprofitable to anybody. He desired to see removed a heavy and obnoxious tax—one that was felt to be oppressive to the Dissenters ; and if it were only for the purpose of removing a jealousy that created great disturbance—if it were only for the purpose of securing and maintaining the fabric of the Church, he should give his vote for the motion before the House, and he should do so with great satisfaction. It was good, he thought, to put an end to the tax ; it was good to put an end to the vexation that it occasioned ; it was good to put an end to the contention between Churchmen and Dissenters ; and it was very good to come to a measure which in his mind would preserve and continue the fabric of the Church

Mr. *Goulburn* observed that as the hon. Gentleman had done him the honour to refer to what fell from him in a discussion upon the state of the established Church, he hoped the House would pardon him if he partly endeavoured to reply to the hon. Gentleman, and partly to state what were his views and opinions upon the question then under the consideration of the House. It was a question the importance of which it was not possible for them to exaggerate. He agreed with the hon. Gentleman opposite that it was not necessary to enter into details respecting the calculations that were before the House. It was always difficult to call the attention of Members to dry mathematical questions ; but it was still more difficult to do so at that advanced period of the evening, and it was, above all, difficult to do so after such details had been stated to the House in the clear, accurate, and, as it appeared to him, unanswerable manner in which they had been laid before the House by his right hon. Friend near him. It was particularly unnecessary to do so as the details of his right hon. Friend had not been replied to by any Gentleman who followed him. He therefore should do as the hon. Member for Weymouth had done—he should not attempt to enter into the calculations upon the questions before them. He dissented from the measure then before them because it was merely a measure to relieve persons from the evils sustained by the present state of the law with respect to the levy of Church-rates ; and because it involved other and far greater questions. It involved in it this question : whether they were decided on maintaining upon a firm basis the Established Church of this country—whether they intended to maintain in their position the prelacy and dignitaries of the Established Church, both as respected the other branches of the Church and as respected the other branches of the community—and, lastly, whether they should make a change in the administration of one species of property, and thus give an example (and he contended an unprecedented example, which threatened with danger every other species of property, and which could not be overlooked nor regarded but with alarm. Before he proceeded further he wished to allude to what fell on the previous evening from the Chancellor of the Exchequer, relative to the position in which the Established Church stood. The Chancellor of the Exchequer had laid it down as a principle, that the parishioners in the several parishes were not bound to contribute to the repairs of the fabric of the Church; the right hon. Gentleman, too, had stated, that if they agreed in reducing the amount required for such a purpose, they only exercised a constitutional privilege which the law allowed to them. In that he differed from the right hon. the Chancellor of the Exchequer. This was not his view only, which he admitted would be of little value, but he was confirmed in that opinion by the most eminent men who had held legal offices in this country from the earliest period. He held that it was incumbent upon the landowners of every parish in the country to contribute to a fund for the necessary maintenance of the Church. In putting forward such an opinion he stood upon no private document, but relied upon a report laid upon the table of that House. He referred to the Report upon the Ecclesiastical Courts. Those by whom that report was drawn up had gone fully into the question of Church-rates. It was stated by the gentlemen composing that Commission, that it was the duty of Churchwardens to see that the body of the Church was put in proper repair, and to have supplied things necessary for divine service. They stated, too that the law imposed upon the parishioners the burden of raising by Church-rates the funds requisite for these purposes. This law was laid down by no light legal authority. The names signed to the report were those of Lord Tenterden, Lord Wynford, Sir Nicholas Tindal, Doctor Lushington, and the right hon. Member for Kirkcudbright. He did not deny that there was an evil in the present mode by which Church-rates were levied. He knew that some proceedings had taken place which reflected disgrace upon the party which had originated them, and which he must own were not very creditable to its opponents. This had occurred, he knew, in some places; but then, when persons talked of the evils of Church-rates, he would not consent to its being assumed, as the Chancellor of the Exchequer had assumed, that the resistance to Church-rates was universal—he certainly would not assume that the payment of Church-rates was so odious as had been asserted. He knew that the evil existed, and particularly in towns; but still he took it that the number of parishes altogether where resistance was offered did not exceed three or four hundred; and when it was remembered that there were 10,000 parishes, many of which had not complained at all, and in others that the parishioners were anxious to retain the present system, he did not think that the evil prevailed to such an extent as to require a measure of the character of that which was then before the House. He was ready, however, to concur in any reasonable proposition which should allay such disturbance, but he said that those who made such a disturbance were the weaker party. It would, he thought, be more becoming in a government of the country if instead of dabbling with a mere matter of little importance, and proposing a trumpery measure, they had come forward with an effectual cure. The real evil was this: that a large portion of the population was without a provision for religious education. Under the negligent treatment of Parliament, villages had grown into towns, and towns had become cities—the population too had increased with extraordinary celerity during a period of great national prosperity. They had provided for the defence of the population; they had provided the population with a better police—they had provided the population with a due administration of the law, by giving them tribunals adequate to the extended population and the concerns to be intrusted to them; but they had chiefly neglected that which was their great and paramount duty, which was, to give them religious instruction; and that ought to have been done by planting amongst them the ministers of the Church of England to instruct them in the duty they owed to their God and their country. Greatly had this duty been neglected, and he had to thank the dissenters—he had, too, to thank Mr. Wesley—for the instruction they had conveyed to a great portion of the people. Their zeal had kindled emulation in the breasts of the clergymen of the Church of England, and made them sensible of what they ought to do, and called forth exertions, which though coming late, had yet not been without effect. But they must meet manfully the coming evil. They must provide the means of giving pastors to the people who would teach them their duty as Christians, and, therefore, to fulfil their duties as citizens. No healing measure could be adopted with respect to Church-rates, nor as regarded the collection of tithes, till means were provided for giving the people religious instruction. The others were all subordinate considerations to the great principle of providing religious instruction. It was the duty of the State to provide the best possible means for affording instruction to the destitute classes of their countrymen. Their wants were adverted to in the report of the Ecclesiastical Commissioners. The right hon. Gentleman the Chancellor of the Exchequer had referred to certain parishes that had resisted Church-rates, and he stated those parishes to be Sheffield, Manchester, and Applethorp. He would content himself by referring to Manchester, and the House would see how far it supported his argument. It appeared that there was in Manchester a population of 271,000 souls; it was admitted that of these only 45,000 had Church accommodation, thus leaving upwards of 200,000 no means of access to places of worship according to the form of the Church of England. The hon. Member for Leeds might say, as he did before, that there was room enough, but that there was a disinclination on the part of the people, in those places, to attend the worship of the Established Church. He was surprised to hear such an assertion from that hon. Member; to hear him say, that there was a natural disinclination on the part of the people to attend upon the duties of religion; because he did not suppose that hon. Member would deny that there was a natural tendency in the hearts of men to attend to the duties of religious worship; but what were the means provided for this in Manchester? Why, there were only eighteen clergymen to attend to this immense population, in a large town, where of course, from natural circumstances, men must be exposed to much more and greater temptations, where vice showed itself in every form, and where, of course, the greater care was necessary to keep men awake to their religious duties. And what was the whole income of these eighteen. Not more than 2,700*l.* If they really and sincerely wished to establish peace, and to get rid of dissension, their first care should be, to afford the means of conveying religious instruction to every one, and to leave no place to which the voice of a clergyman might not be accessible. The Chancellor of the Exchequer informed them that the result of the proposed plan would be, to place 250,000*l.* at his disposal. Let this money be applied in the way which he suggested, and then they would supply the religious wants of three millions of the population, who were at present without the means of religious instruction, and thus the real evil would be removed. The hon. Gentleman who spoke last said, he would accede to any proposition for any more elegible application of this sum which might be suggested, in consequence of what fell from him (Mr. Goulburn) upon a former occasion. Now, what he then said had no reference at all to this question. The question, at the time referred to by the hon. Member, was as to an allowance for the Bishops; and the hon. Member upon that occasion said, that so long as the working clergy were left destitute he could not consent to the allowance of so large a revenue to the dignitaries of the Church. He then observed, in answer, that if the hon. Member was friendly to the existence of a national Church his proposition was quite inconsistent with it, and that if he was to destroy Episcopacy altogether it would not answer his object of providing an adequate income for the working clergy. He did not know whether the sum anticipated by the Chancellor of the Exchequer could be realised upon his plan; but, independent of the amount it might produce, it was altogether most objectionable. There might, perhaps, be a surplus, and that surplus might be applied to most useful purposes, without injury to the rights of any person. Suppose the whole of the sum anticipated should be realised, or the half, or the quarter of it, he would say, apply it for the religious instruction of the destitute poor. This was his opinion as to the most eligible mode of application, and it was the opinion of all who had given to the subject the most serious consideration. What was the proposition of the Chancellor of the Exchequer? To relieve the land from a burthen to which it had ever hitherto been subject, and to absorb and annihilate the whole source of income which might be applied most beneficially to the instruction of the people. And for what purpose make so great a sacrifice? Why, to remove a present and merely temporary evil. Instead of applying it for the benefit of three millions of the population, he proposed to relieve the land from a light burthen. Were he now to give countenance to such a proposition he must hereafter reflect with pain that he had delivered the land of a burthen against which there was no complaint, and deprived the poor of the greatest blessing and the greatest consolation in their sufferings — instruction in truth and religion. With his right hon. Friend (Sir Robert Peel) he objected most strongly to the throwing of all Church property into the hands of a commission, to be managed by them. He objected to it because it went entirely to alter the situation of the Prelates of the Church, because the consequences of it must necessarily be to involve them in conflicts from week to week with the Commissioners. The noble Lord (Lord Howick) said, it must be a source of great convenience to the Bishops to be divided, by this means, from secular cares, and to have the duty taken off their hands of administering, in detail, their own property, which could not but induce the idea of their being actuated by worldly considerations. It appeared to him that the noble Lord in this matter was under a mistake. There was a great difference between receiving fines for the renewal of leases and entering into all the details of management which appertained to the landed property of another kind. Now, in the first place, the Bishops themselves did not appear in those temporal proceedings of receiving fines and administering their landed property; an agent was employed for that purpose. But how did the Chancellor of the Exchequer and the noble Lord provide for the administration of this property? Why, they proposed that the whole of it should be thrown into one mass, and placed under the control of a commission. And who did the House suppose were to form part of that Commission? One Archbishop and two Bishops. It was said to be indecorous that they should now be employed in receiving their fines, and yet it was proposed to involve them, as Commissioners, in all those worldly and petty details which must necessarily fall on those who were to administer this property. Thus, then, in addition to their other important duties, these prelates would have this additional duty to perform. In other respects what must be the consequence of taking from the Bishops altogether the character of being landed proprietors? The hon. Member who spoke last said, there was no stronger feeling in the human heart than that of resistance to a money payment on the ground of religious sentiment. Now, ap ly this principle to the present case. The Bishops now received their rents, as any other landlord did, and had therefore a sympathy with all landholders, and were looked upon pretty much in the same light. But, make them mere annuitants, and they would no longer have any sympathy with land owners. They would be looked upon merely as persons to whom the land occupiers had a certain sum to pay annually. Suppose Dissenters to become the purchasers of any part of this property. He did not know whether or not this was to be permitted under the plan, but, if allowed, what must be the situation of the bishop when he called upon the Dissenters for the payment of his annuity? If, as had been said by the hon. Member, there was no stronger feeling than that of resistance to a money payment, on the ground of religious opinions, he would ask the hon. Member when the bishop became an annuitant on the purchased estate whether the Dissenter would not have the same objection to pay the annuity as he had now to pay the church-rate. There were no doubt some Dissenters who might not feel this as a hardship. But take those Dissenters, who, even in the present day, did not differ very widely in sentiment and in hostility to the Church from those of an earlier period, who heaped upon the hierarchy of the Church all the opprobrious names they could collect, would they not have the same scruples to pay this annuity, and make the same objections and difficulties as their ancestors did, or as were now made to the payment of church-rates? The proposed course of dealing with property was quite unprecedented. The Chancellor of the Exchequer, indeed, in the way of precedent, called their attention to the arrangement of 1794 with respect to Crown property. There were great and manifest differences between that case and this. The difference was, that the Crown then demanded the arrangement entered into. It was done with the consent of the Crown. Was that the case here? The analogy entirely failed. But there was yet a more important consideration. Was it for the public benefit that the arrangement with respect to the Crown lands took place in 1794? No; it was solely for the future benefit of the Crown. Was there, then, the least resemblance between the two propositions? The Crown lands were not to be sold—they were to remain for ever to maintain the regal dignity of the Sovereign of this country. The arrangement was made with a view to future improvement, to an increase of income, and not to destruction. Was there in that arrangement any power given to the lessees of the Crown to purchase the property at a fixed rate? It was then not judged right, or safe, or just, to dispose finally of a property which had been set apart by the people of this country to support the dignity of the Crown. That was a principle of the soundest policy and of the most perfect justice. But by depriving the Church of her due rights they were, by this measure, when the great increase of population should make it necessary that she should possess a greater income, depriving her of the means of obtaining that increase, and, by taking away from her the claim of 250,000*l.* which she had upon the taxation of the country, at the same time depriving her of a just mode of provision for the future population, which would be left to an unstable and precarious support. There were no analogous cases on the authority of which the measure could be defended. The right hon. Gentleman, the Chancellor of the Exchequer ~~had said~~ much of the great exercis~~e of~~ liberality with respect to build~~ing~~ places of worship which was daily exhibited on the part both of the laity and clergy of the country. No one in that House was more sensible than he was of that liberality; but easy as it might appear to leave the provision of the funds necessary to build these places of worship to the liberality of individuals—easy as it might be in the midst of a religious and liberal population to raise those funds—easy as it might be to build those necessary places of worship—who, he would ask, was to endow them when built? If they were to resort to the means of pew rents they would be taking away the birthright of the poor, and excluding those persons from all the benefits of religious worship and instruction who were unable to pay for it. But as they were debarred from taking this and several other courses, if they resorted to an interference with the lessees of Church lands, and by a proper administration of those leases, provided a more favourable income, then that income, as well as any other, which might be derived through the property of the Church itself, ought to be applied to purposes of a more important description. He (Mr. Goulburn), for one, could not dare, in the view which he took of the case, to advance this first step towards the dissociation of the Government of the country from the national Church. He, for one, believed that it was the duty of every man—that it was more especially the duty of the rulers of the State—to provide the Established Church with an adequate supply of religious instructors in every quarter of the land, and to see that the poor enjoyed that which was the birthright of Englishmen, the privilege of attending their parish church free from any expense whatever. If they passed the present measure they would take the first step to separate the religion of this country from the Government. That was his feeling with regard to the measure, and he was convinced it was one which would entail both on the Church and the State the most inconvenient consequences. With that feeling strong at his heart, he would implore them, in the words of one who had spoken upwards of two hundred years ago, on the value of a religious establishment in connexion with the nation to set an example to the world how highly they valued, and how steadily they would maintain, that union of religion and government which had supported them and their fathers before them in peace, in plenty, in tranquillity, in prosperity, and in honour, in spite of all the machinations of their enemies—and, above all, to take care by their own example not to do that which their enemies, with all their machinations, have failed in doing.

Dr. *Lushington* was understood to say, that hon. Gentlemen opposite had been fruitful in objections, but not one of them appeared to be disposed, or able, to point out any practical means by which the existing evil could be removed if the present plan were not adopted. It had been the almost universal opinion of the House, that the evil of the existing system was great, it was daily and hourly increasing, and it already prevailed to such an extent that some remedy must be applied to it. He had hoped that the arguments which were used in 1834, by some of the hon. Gentlemen opposite, had produced so deep an impression on the House that it was scarcely necessary for him to attempt to prove the proposition to which those hon. Gentlemen had addressed themselves. The noble Lord, the Member for North Lancashire, illustrated in that year, in the strongest terms, the mischief to which the country was then subject, and called on the House, for the protection of the interests of religion, for the safety of the Established Church itself, and for the avoidance of inconceivable evils, to adopt some remedy to stay the torrent which was then overwhelming them. That appeal of the noble Lord did not appear to have had its effect either on the right hon. Baronet, or on any of the hon. Gentlemen who sat around him. He admitted that church-rates had existed for centuries past; but they ought to consider what they originally were, and what had been their consequences from time to time. Formerly they were a tax, not in respect of land only, but on all the property the individual possessed. There were still one or two places in which they were assessed, not merely on real property, but on the stock in trade — on goods and chattels. They had the same origin as mortuaries which in some parts of the country now existed. In the reign of William 3rd the contest had its commencement, but the main body of the people continued to pay the tax. Since that period the Dissenters had increased with astonishing rapidity: they had increased in numbers, in respectability, in intelligence, in education. Their ministers were now able to compete with those of any church in the world. What was the consequence? Let the House contemplate the difficulties which had arisen. First came the question whether the vestries had the right to refuse the rate altogether; and this was followed by many others of a vexatious description, and most fruitful in matter of contention. Many who belonged to the Church objected to the expenses gone to on account of the new churches, and joined the Dissenters in their efforts to get rid of the rate. They had their meetings of vestries, with the clergyman in the chair, and one party arranged on one side, and the other party on the other side: violence of language ensued, the passions became excited, and the whole scene was one of agitation, confusion, and exasperation That was not the end of it. Suppose the rate to be made, if a man refused and were compelled to pay it, he was proclaimed a martyr, and received honour from the whole town. Such was the present state of affairs, and would any man tell him that it did not require a remedy, and a prompt one? Or would any man tell him that the Church itself was safe amidst this conflict? By the common law of the land not a single shilling could be borrowed on the account of the Church-rates. How would hon. Gentlemen opposite get rid of the evil? What remedy would they propose? Would they give the power to Justices of the Peace in Petty Sessions or to church-wardens to impose the rates; and did they imagine that they could carry a measure having that operation? Or would they saddle the amount on the Consolidated Fund—would they have the State to take on itself the 250,000*l.*? That was the substance of the measure proposed by Earl Spencer. He was of opinion, and he told his noble Friend so, that he never would succeed in carrying the adoption of that proposition, and he would tell the House why he thought it impossible. The effect of it would have been to violate the religious scruples of two millions of his Majesty's subjects. It might be asked, why should they entertain religious scruples on the subject? He would reply to such a question by saying, that he never undertook to decide on any man's religious scruples. On all matters of religion a man must decide for himself—no other man had a right to decide for him. According to his principles the scruple was unfounded. He went much further; it was no violation of his conscience not merely to contribute towards an Established Church, but to any other Christian sect in a Christian state. He felt, however, that he had no right to impose his opinions on another. If they had passed the measure, charging the Church-rates on the Consolidated Fund, they would have had petitions from year to year against the new system; they would only have smothered the flame; there would have been the same dissatisfaction, and they would have the same course to tread over again. He differed from the right hon. Gentleman oppposite as to the propriety of the right rev. Prelate's time being taken up by the management of this revenue in which they had only a limited and temporary interest. He deprecated their being made the stewards for others. He came now to consider a question which was well worthy of the attention of the friends of the Church; namely, the balance of evil and good, which, considering the whole case of the Church at the present moment, might be effected by appropriating in the way now proposed the surplus which they believed might be brought into existence by the scheme of management proposed by the right hon. the Chancellor of the Exchequer. In considering this question, and in taking under notice the statements of the right hon. Baronet opposite, let them not shut their eyes to the past, whilst they looked to the future. Casting a glance over the events which had passed within his own knowledge during the last thirty years, he was bound to state his belief that if these funds were not applied in the way proposed, the evils now complained of would remain in existence, and the balance be turned against the best interests of the Church. He never knew an instance in which a Church, which was not the Church of the majority of the people, was not eventually worsted in the contests to which it gave rise. He recollected the "No Popery" cry,—that brutish cry, as an hon. Friend denominated it, and which was urged on by those very men who in their hearts were in favour of emancipation. The Church was then made the ground on which to oppose the views and wishes of the majority of the people, and what had been gained by it? The Church of England ought to be a national Church, it ought to strive to gather around it the hearts and respect of the people; the fact, however, was notorious that it had too long lived in the smiles of the rich and landed gentry, whilst it had been daily losing ground amongst the middle classes of society. Whilst it retained the nobility of the land in its ranks it was satisfied; let it take care that even these did not drop off from it by degrees. Years ago Dissenters were rarely met with in the upper ranks of society; to be a Dissenter was considered a disqualification in almost every calling and walk of life; in 1809 there were only two Dissenters in that House; now let hon. Members look around, and see the number and respectability of those who conscientiously dissented from the doctrines of the Church. He was of opinion, as he before said, that the Church stood by the will of the majority; when the majority was in its favour it reigned paramount, but as the minority who were against it began to increase in number, so it must decline in power, and if it did not give way to their wishes would run a risk of being overturned. The Church of England was like a besieged city; whilst its garrison was staunch and strong it might defy the enemy, but eventually, as the number of its assailants increased, and the courage and unanimity of its defenders began to flag, it must be subverted. He repeated the opinion, that unless the abuses of the Church were remedied, it must be undermined and would fall. It could not with security for any great length of time, place itself in opposition to the wishes and opinions of the great majority of the intellectual inhabitants of the country. The Church of England would oniy gather strength by divesting itself of all those matters which placed it in an adverse position to the people. He rejoiced in the Tithe Commutation Act; it would prove of essential service to the Church, by enabling its Members to stand aloof from unseemly controversies on one side or the other; enjoying their just rights and large incomes, and performing their religious duties to their flocks. To this the members of the Church would do well to confine themselves, and avoid meddling in matters to which their duties did not call them, and which could not promote their interests or respectability. Particularly he would deprecate inflammatory harangues by prelates at visitations, and the disgraceful indecorum with which this very subject was mentioned elsewhere, as calculated above all things not to conciliate the people of this country in favour of the Church, but to call down their scorn for the ill-advised leaders of a species of warfare—for such he must call it—in which the objects of Christianity and the principles of Christianity were cast aside. Let the best friends of the Church compare the existing evils with the advantages which were promised from a more prudent administration of the funds of the Church, and he was certain that however desirous they might feel of extending the ramifications of the Church's power, they would see reasons sufficient to induce them to support this measure. He should support it because he saw no other remedy for the existing evils, and because he thought that, whilst it remedied those evils, it would tend to strengthen the Established Church, and promote the great objects to accomplish which it was founded and preserved.

The House resumed; and the Committee was ordered to sit again on the following day.

HOUSE OF LORDS,

Tuesday, *March* 14, 1837.

Minutes.] Bills. Read a first time:—Trial by Jury (Scotland); Affidavits Extension.

Petitions presented. By the Bishop of Rochester. from a Parish in Kent, against the Abolition of Church-rates.—By Lords Kenyon, Redesdale, Wharncliffe, the Bishops of Lincoln, Ripon, Rochester, the Earls of Ripon, Shaftesbury, the Marquess of Hereford, Viscount Strangford, and the Duke of Wellington, from many places, against the Abolition of Church-rates.—By the Duke of Wellington, from Newcastle-upon-Tyne, for the Amendment of Municipal Corporations (England) Bill.—By Lord Brougham, from Leeds, to the same effect; and from Cashel, for the Abolition of Tithes, and for Amendment of Municipal Corporations (Ireland).—By Lord Teynham, from Armagh, for the Abolition of Tithes and Vote by Ballot.—By Lord Brougham, from Dundalk, for Small Debts (Scotland) Bill.

Church-Rates.] A number of petitions having been presented on the subject of Church-rates,

Lord *Brougham* said, that he wished that some means could be devised, by Committee or otherwise, to ascertain the number of petitions, and the number of persons by whom they were signed, which had been presented for and against the abolition of Church-rates, as had been done when the Reform Bill was before the House. The petitions might be re-referred to the proper authorities, who could report the numbers to the House In respect to the number of petitions, he had no hesitation in saying, that more petitions had been presented against the abolition than for it; but it was material that they should know the number of signatures also.—[Lord *Lyndhurst*: And the amount of rates.] It would be very easy to have a Report furnished of the number of petitions and signatures; but it would be impossible to ascertain the amount of rates paid. He believed that the petitions against the abolition, were three or four times more numerous than those in favour of it; but he was certain that the signatures in favour of abolition were fifteen or twenty times the number of those who had petitioned against the abolition of the rate.

The Bishop of *Hereford* said, the difference existed in the nature of the petitions presented for and against the abolition of Church-rates—namely, that while most of the petitions presented in favour of the abolition, came from separate congregations, five or six congregations being frequently in one town, those presented against the abolition were from separate towns, villages, and counties.

Lord *Brougham* said, the observation of the right rev. Prelate, was rather a confirmation than a contradiction of his statement; and he was sure that the number of signatures in favour of abolition was much greater than the number that disapproved of it. [Lord *Lyndhurst*.—No.] There would be very little difficulty in making the enumeration, and he would merely mention one instance in support of his statement—it was, that a petition had been presented from Birmingham alone in favour of the abolition, signed by 19,000 persons.

Petitions laid on the table.

The Marquess of *Lansdowne* presented a petition from the parish of Westbury, in South Wiltshire, for the abolition of Church-rates. The majority of signatures were those of rate-payers, and the circumstances connected with the petition proved that the Church, under the present laws, was not in that state of security which he wished to see established, and which some noble Lords assumed, did exist at this moment. He denied that such was the fact, and he would say further, that he would never consent to any Bill that might be sent up to their Lordships, unless it was calculated to place the Church on a more secure foundation than it now rested on. There was an illustration of its present insecure situation in the statement of the petitioners, which was, that they had for seven years successfully resisted the payment of rates for the maintenance of the Church. He would not say whether they had acted properly or improperly, judiciously or in-judiciously, in resisting the payment, but he considered it to be his duty to call the attention of their Lordships to this fact, which proved in this one parish (and the case was similar in many others), that where there was any disinclination on the part of the rate-payers to maintain the Church, it need not be maintained by them; and it was, therefore, a delusion to suppose that there existed under the present law that security for the maintenance of the Church which ought to exist in every parish in the country. It was further stated in the petition that these circumstances had engendered party feelings in the parish: and it was to put an end to contentions arising from such a source that he desired that some means should be adopted to effect that purpose. He would not, however, consent to any measure that would not secure the maintenance of the Churches in every parish in the kingdom.

The Bishop of *Exeter* presented a petition from Chorley, in the county of Devon, praying, that if their Lordships' sanctioned any alteration in the state of the law respecting Church-rates, they would take care that due provision was made for the maintenance of the Church. This petition was signed by very few landholders, but the poor labourers residing in the parish unanimously approved of it. A gentleman of large property in the neighbourhood, the heir to an Earldom, and who was likely to be one of the most opulent men in the kingdom, if he survived the present possessor, had endeavoured to induce an individual to petition against Church-rates, and he was sorry to say he had in some degree succeeded; but the clergymen of the parish had appealed to the labourers, and they all supported the present petition.

HOUSE OF COMMONS,

Tuesday, March 14, 1837.

MINUTES.] Bills. Read a first time:—Transfer of Aids.

Petitions presented. By several Hon. MEMBERS, from various places, for the Abolition of Church-rates.—By several other Hon. MEMBERS, from various other places, against the proposed Plan for the Abolition of Church-rates.—By Sir R. VYVYAN, from Bristol, against the Abolition of Church-rates.

CHURCH-RATES—ADJOURNED DEBATE.] The House resolved into Committee on the Chancellor of the Exchequer's resolution respecting Church-rates.

Sir *William Follett* felt himself indebted to the hon. Members who had just sat down, for allowing him a precedence. In the observations which he should feel it his duty to make on the important question which formed the subject of the night's discussion, it certainly was not his intention to embark on any observations with reference to the financial statement of the right hon. Gentleman opposite. He should abstain from so doing for two reasons—firstly, because it was quite impossible for him, indeed he believed for any man, to add anything to the clear and convincing statements of his right hon. Friend, which were unanswered, and he believed, unanswerable; and secondly, because his objections to these resolutions would be equally strong, and to his mind equally convincing, even if the financial statements of the right hon. Gentleman, the Chancellor of the Exchequer, were as correct in themselves, and as accurate in point of detail, as he believed them to be incorrect and inaccurate. His objections were founded upon higher considerations. He objected to the Chancellor of the Exchequer's plan, because, in his judgment, it proceeded on a principle, which, if pushed to the extreme to which it was capable of being carried, would be dangerous, if not destructive, to those principles upon which the national established church was founded. He was well aware that the right hon. Gentleman, the Chancellor of the Exchequer, when he introduced the subject of Church-rates to their notice upon a former evening, had thought it right to disclaim any feeling of hostility to the Established Church of these countries, or of sympathy with the opinions of those who expressed themselves in a mode which was hostile to that church's continued existence. He was willing to confess that no friend of the Established Church could quarrel with the sentiments which the right hon. Gentleman had thus expressed, any more than he could find fault with the tone or the manner which the right hon. Gentleman had displayed upon that occasion. But he must say, that, even at the very time when the right hon. Gentleman was making that statement, ignorant as he then was of the nature of the Chancellor of the Exchequer's plan, his fears had been, in some degree, excited by the great anxiety which the right hon. Gentleman then displayed to conciliate hon. Members on that (the Opposition) side of the House, and make them, as he expressed it, converts to his plan. If the right hon. Gentleman had been impressed with a sincere conviction that his plan was based upon those principles which he had just before so clearly enunciated, he could not see why he should have so eagerly sought to conciliate and make converts of hon. Members on the opposition side of the House. Did the right hon. Gentleman then suppose those hon. Members opposed to him were so bigoted to the present system of collecting Church-rates, as to oppose inveterately the introduction of any alteration whatsoever, even though founded on principles friendly to the maintenance of the Established Church? The right hon. Gentleman had been a member of the Cabinet of 1834, when the plan of Lord Althorp upon this same subject was brought forward [*No! no!*] The right hon. Gentleman was at least at that period a member of his Majesty's Government. Let him ask a question of the right hon. Gentleman. The plan of Lord Althorp was, undoubtedly, a plan for the abolition of Church-rates—a plan, by virtue of which, if it had been carried into effect, the present mode of collecting Church-rates would have altogether ceased. It was a plan, by which an equivalent for these rates was to have been provided out of the Consolidated Fund, by means of a vote of Parliament. Had the right hon. Gentleman experienced any opposition to that measure from his usual opponents. Nay, more, was not the right hon. Gentleman supported by Gentlemen on the opposition side of the House against a proposition advanced by the hon. Member for Middlesex, and identical with that which the right hon. Gentleman himself had now brought forward? The hon. Gentleman the Member for Middlesex, had assured the House, not only that the plan was his, but that even the very arguments adduced in this instance by the Chancellor of the Exchequer were the same which he (the hon. Member for Middlesex) had fruitlessly advanced in 1834 against Lord Althorp's project. Those arguments had been urged in vain by the hon. Member for Middlesex in 1834, because they were then opposed by his Majesty's Ministers, and because Ministers were supported by hon. Members on the opposition side of the House. "If all this was as he had stated it to be, and if the hon. Gentleman (the Member for Middlesex) had declared without equivocation, that his Majesty's Ministers had become converts to his views, why should the right hon. Gentleman opposite feel any surprise if his opponents hesitated to become converts after a similar fashion—if they declined to follow the Chancellor of the Exchequer into the camp of the Member for Middlesex; a camp which was the common rendezvous of all those who were arrayed against the continuance of the Established Church in these countries? An hon. Member had said, that three years had wrought a conversion in the minds of his Majesty's Ministers—that three years had made them better politicians. He had certainly thought, until he had heard the speech of the noble Lord (the Member for Northumberland), whom he regretted that he did not now see in his place in the House, that the conversion of his Majesty's Ministers, dated from a more recent period; for in the month of June, 1836, the noble Lord, the Secretary of State for the Home Department, had said, unless he were very much mistaken, that "his opinion remained at that time unchanged, and that he was favourable to no plan for effecting an arrangement with reference to Church-rates, but that of Lord Althorp." When the noble Lord, the Member for Northumberland, said, last night, with reference to the equivalent for Church-rates, that a state provision meant, in effect, a provision out of the endowments of the Church, had his noble Colleague, the Secretary of State for the Home Department, been present, he could scarcely have adopted that suggestion; for in that House, when questions were put to that noble Lord by the Member for Lancashire and by the hon. Member for Middlesex, the noble Lord, the Secretary of State for the Home Department, gave answers, which he well remembered. The noble Lord said, that "he had told the Dissenters distinctly, that he did not agree with them in considering that to be a grievance which they had put forward as such; that he had told the Dissenters distinctly, he would not yield to their complaints; that he had told the Dissenters distinctly, he never would consent to the introduction of an alteration in the system of Church-rates, without the state providing an equivalent." And the noble Lord had further said, upon the occasion referred to, that "he would not give the equivalent which was sought out of the revenues of the

Church." If the noble Lord, according to the explanation given last night, by his noble Colleague, the Secretary at War, meant that an equivalent to the Church-rate, was to come out of the endowments of the Church, and that this was tantamount to a state provision—then, without imputing to that noble Lord any sinister intention, he must say, that the country at large, as well as that House, had been misled by the noble Lord. The impression within and without the House was, that his Majesty's Government adhered to the plan proposed by Lord Althorp in 1834, and were determined not to consent to any modification of Church-rates which was not founded on the principle of maintaining the sacred edifices of the nation by a state provision, or by a provision supplied by rates imposed upon the people and property of this country without religious distinction. Such was the prevailing impression throughout the country; and was the plan, let him ask, now exhibited, consistent with any such principle? On the contrary, was it not based on a principle utterly at variance with that which was professed? Before he would enter into any examination of the proposed plan, he begged to call the attention of the right hon. Gentleman the Chancellor of the Exchequer to a statement which he had made upon introducing this measure, and to which it was, perhaps, not so essential that he (Sir W. Follett) should now advert, after the speech which had been made the preceding night by his hon. and learned Friend, the Member for the Tower Hamlets. The Chancellor of the Exchequer has more than once, in the course of his speech, referred to places where Church-rates had not been levied, and had contended that, by the laws of this country, the Church-rate was not a compulsory payment—but that it was a mere privilege that the people had of taxing themselves or not, as they pleased. He must confess, looking at the general accuracy of the right hon. Gentleman, and considering the high legal authorities to which he had access, he was quite astonished at hearing the right hon. Gentleman make that assertion more than once, especially as he felt satisfied that upon this fallacious assertion the Chancellor of the Exchequer chiefly based the opposition to taking the funds for the repair and maintenance of the Churches out of the general taxation of the country. His noble Friend, the Member for Liverpool, had distinctly denied the accuracy of the Chancellor of the Exchequer's statement with reference to the voluntary nature of Church-rates; and yet the noble Lord, the Secretary at War, rose from the side of the Attorney-General and repeated and adopted the *dictum*—argued on it—and contended that Church-rates were beyond all question, a mere voluntary tax, of the amount of which and the necessity for which the rate-payers were the sole judges? He perfectly agreed with the right hon. Gentleman, that if this were a true statement of the law upon this subject, it would afford him a very considerable argument in favour of his plan; but he (Sir W. Follett) emphatically said that it was not the law of this country—that it was not the law, and that it never had been the law. He would assert, that by the common law of this country, and he spoke in the presence of the law-officers of the Crown, and the hon. Member for the Tower Hamlets (who had alluded to this topic in his speech of the previous evening), from time immemorial there existed a legal and compulsory obligation upon all the holders of land throughout the country, whether they were resident or non-resident, to raise funds for the repair and maintenance of the parish churches. It was true that at the present moment this object was only enforced by the decrees of the Ecclesiastical Courts; and that the mode of proceeding in those Courts was dilatory and inefficient. [*Hear, hear!*] But were Gentlemen who cheered him aware, that the decrees of these courts were sanctioned by Act of Parliament—that, so early as the thirteenth year of the reign of Edward 1st, an Act was passed, authorizing these Ecclesiastical Courts to take proceedings to enforce the making of rates for the repair of the Churches; and that the proceedings in those courts might be, and had been, put in force, and that if the proper parties should apply, it might again be put in force, to compel the making of this rate; and, if the existing rate were not sufficient, to compel them to make up the deficiency? The hon. Gentleman, the Attorney-General, would probably tell him presently, that a case had occurred in which the Court of King's Bench had refused to interfere by *mandamus;* but let it be borne in mind that this refusal was made, not because the obligation to pay Church-rates, was not a legal and a compulsory obligation, but because there was another mode already subsisting for effecting its recovery by proceedings in the Ecclesiastical Court. Was not this a very different, nay, a totally different proposition from that which had been laid down by the Chancellor of the Exchequer? The principle laid down by him was, that there existed absolutely no legal obligation which rendered the payment of this rate compulsory. What had his hon. and learned Friend, the Member for the Tower Hamlets, said upon this subject in the course of his speech? He could not deny that there existed a legal obligation to support the fabric of the Church—he admitted the legal obligation in its fullest extent; but he dwelt upon the great difficulty which existed under the present mode of collecting Church-rates, and the unpleasant collisions to which they had given rise, which he was quite as willing to admit and to regret as any hon. Member could be. He did not for a moment deny that the observations of his hon. and learned Friend were quite correct, as regarded the present system; but he did think it somewhat illogical in the hon. Gentleman to infer, that because the present system was bad, he would therefore support the plan of the Chancellor of the Exchequer. Was there no mode of correcting the evils complained of, but the adoption of the right hon. Gentleman's plan? If the hon. Member for the Tower Hamlets were really of opinion that no mode could be devised of curing the evils complained of, except the plan proposed by the Chancellor of the Exchequer, he was, like Ministers themselves, a recent—a very recent convert to that system. If he was not very much mistaken, the hon. Gentleman had not very long since given a strong opinion in favour of the legal liability to the payment of this rate; for in a paper, which was signed by him and a right hon. Gentleman, a Member of the Government (he alluded to the hon. Member for Kircudbright), he found the following passage;—"We should also recommend that the payment of Church-rates should be enforced by the same means which are now applicable by law to the Poor-rates;" and both hon. Members went on in this document to state, that between these two rates they could see no distinction; neither could they perceive that any inconvenience was likely to result from the adoption of this plan. Such was the plan which had been recommended by the hon. and learned Gentleman, and by his Ministerial colleague. Whether it was practicable or not, he would not venture to say; at all events, it showed what was the opinion entertained by those hon. Members in 1832. The hon. Gentleman, the Member for the Tower Hamlets, had long been a Member of that House, and he was well acquainted with the feelings of that House, and of the country, when he made the declaration that the payment of Church-rates should be enforced exactly as in the case of Poor-rates. The hon. and learned Gentleman was in the House of Commons in 1834; and he believed that he had then voted in favour of Lord Althorp's plan. Did his hon. and learned Friend believe, that if the Bill of 1834 had passed into a law, they should now have heard any complaints upon the subject of Church-rates? His hon. Friend had, however, said, last night, that if Lord Althorp's Bill had passed, the Dissenters would have been placed in the same position in which they had been placed by the Test and Corporation Acts, and would have sought for its repeal. Now, did his hon. and learned Friend mean to say, that if Lord Althorp's Bill of 1834 had been carried, and the burden of Church-rates had been cast upon the Consolidated Fund, any further complaint would now be made upon the subject? He knew his hon. and learned Friend might say this:—that if that Bill were passed, the Dissenters would be virtually left in the same position by it in which they had been before, and that petition after petition would have been sent up, calling for the repeal of that measure. But would his hon. and learned Friend aver so much as this, that if that Bill had been carried, the Dissenters would have been able to raise a question on it equal in weight or principle, to that on the Test and Corporation Acts. [Mr. *Baines:* Hear, hear!] The hon. Member for Leeds cheered. Then he asked that hon. Member, whether he thought, if such a question were to be raised by the Dissenters, it would meet with any support throughout the country. He could well understand, and could sympathise also with a conscientious objection; and since he had had the honour of a seat in that House, he never had, either by vote or speech, opposed the removal of a grievance of that description; but he had yet to learn that the Dissenters could conscientiously object to the Legislature of this country voting a sum of money from the public funds, for the maintenance of that common religion which they all professed. At any rate, he did not think that those whose consciences raised no objections to similar grants to the Church of Scotland, or to the college of Maynooth, could make a grievance, similar in magnitude or principle to that of the Test and Corporation Acts, out of a grant of this nature to support the Church of the established religion of the State; and he was satisfied, that if such a grievance were made out by them, they would not meet that support from the country in its advocacy, which they had met with when complaining against the Test and Corporation Acts. He must say, that he regretted that the Bill of 1834, on this subject, had not been passed; it would have done much good; and at the same time he maintained that the Government of that day were responsible to the country for not having passed it. The noble Lord, the Secretary at War, last night excused the Government, on the ground that Parliament was dissolved at the close of the year 1834, and, therefore, that they were prevented from pursuing that measure. But why did they not pass it in the Session of 1834—when there was a majority of two to one in its favour in that House; and when it was well known that it would not be opposed by the party with which he had the honour to act? He would now come to an examination of the nature of the plan of the Chancellor of the Exchequer on this subject. In the first place, it was proposed to take away from the Church the benefit of certain funds, which had from time immemorial been applicable to the maintenance of its fabric, and to which the landed property of the country had at all times been subjected. And where was the equivalent proposed to be given for that which was so to be abstracted, to come from? Was it to be made up by the State, according to the emphatic language of the noble Home Secretary in 1836? No; but from a different management of the other property, which the Church already possessed, and which, it was thought, was capable of yielding more than it did at present. In order to arrive at this desired result, the dignitaries of the Church were to be deprived of every control or interest in their lands. These were to be vested in Parliamentary Commissioners, who, if he understood the plan rightly, were to come at once into possession, and so the rights of the existing, as well as of all future Bishops, were to be taken from them. The right hon. Gentleman took care to state to the House, that especial provision would be made to leave the legal estate of the Church-lands, the same as it was at present. For what use, he should like to know, was this precaution taken, except for this, that when the Commissioners might find it necessary to bring an action on the subject of any of these lands, they might do so under the shield of the Bishop's authority. This Parliamentary Commission, be it observed, was to consist of a majority of laymen, some of them with salaries, in whom the whole property of the Church was to be vested, with authority to apply a certain quantity of the revenues derived from it in a way directed by Parliament. The noble Lord thought this one of the best features of the Ministerial measure; he considered it a very excellent thing to relieve the Bishops of all their present worldly business and concerns, from all interest in everything but their spiritual duties. He thought he had heard precisely the same observations, and the same arguments used in that House on a recent occasion; but then they were arguments used against the right of the Bishops to sit in the other House of Parliament; and he knew not how the noble Lord opposite, who resisted the force of those arguments on that occasion, could now consent to acquiesce in them, as a ground upon which to strip the Bishops of those lands, in the right of the possession of which they held their seats in the House of Lords. He asked the noble Lord, whether he thought it quite fair, that, admitting the principle to be a good one, that Bishops should be freed from all worldly concerns, under pretence of carrying out such a principle as that, the whole conditon of the Church should be altered? Yes, the whole position of the Church in this country was to be altered by this measure; and in proof of what he said, he came now to a point upon which he grounded his decided opposition to the

Ministerial plan. It was to be provided, that certain Commissioners were to be appointed by Parliament to hold all the Church property, and would be required to pay the sum of 250,000*l.* out of its revenues, for purposes to which no part of those revenues had hitherto been applied. Now, if it were admitted as a principle, which it would be if this measure were to pass, that Parliament had the power to direct the Commissioners to apply this sum of 250,000*l.* per annum in this way, he wanted to know what security they were to have that they would not, on some future occasion, direct the payment of a still further sum out of the revenues of the Church, to other purposes, to which, like that of Church-rates, they had never hitherto been liable. He did not know where the principle, if admitted at all, would end; or to what extent this Appropriation Clause of the English Church, for such it was, might not be carried. If Members of that House were from time to time to see reason for the adoption of the precedent now proposed to them in this measure, he really did not know to what extent it might not be applied, until, by its repeated exercise, they would strip the dignitaries of the Church Establishment of all their revenues, and leave them entirely at the mercy of the voluntary principle, of which the right hon. Gentleman had declared himself the decided enemy. It was for this reason that he objected to this measure; and, whilst upon the point, he must be permitted to express the regret with which he had listened to the speech of the hon. and learned Member for the Tower Hamlets last night, when he condemned the conduct of noble Prelates in another House in regard to this Bill, which he designated as —— he would not repeat that expression. If his hon. and learned Friend had used that term in reference to the Bishops, he (Sir W. Follett) would not be provoked into applying it to the Government; but he would ask, whether it was right or proper on the part of his Majesty's Government to come down to the House with a proposal to alter the entire constitution of the Church of this country, to strip its dignitaries of their rights and property, and convert them from the owners of lands into stipendiaries, at the good-will and pleasure of Parliament. He would ask, was it right, was it proper, to come down with such a measure as this, not only without having received any advice from those dignitaries on the subject, but actually without having given them any intimation of it? Was it extraordinary that, under circumstances like these, those distinguished individuals should take the earliest opportunity of expressing their disapproval of this measure? But there was another reason why the Bishops were called upon to come forward in this way as they had done. The Chancellor of the Exchequer, on introducing the measure, mentioned, that amongst others who were intended to be nominated in this Commission was the head of the Church Establishment. Now he did not mean to impute to the right hon. Gentleman any intention to mislead the House or the public, but certainly the impression on the minds of many persons was, that he would not have mentioned that most Reverend Prelate's name in this way, except with his concurrence; and this notion having gone abroad, it became, in his opinion, the incumbent duty of those distinguished persons on the bench of Bishops to take the earliest opportunity of making known to the country their opposition to the measure. He begged now to call the attention of the House to another point. When it was proposed to abolish the payment of Church-rates, of course it was understood to be the intention that those payments should cease forthwith, otherwise it would not be considered such a boon as was intended. What was the calculation of the right hon. Gentleman, the Chancellor of the Exchequer? He calculated that the present interest of the lessee was on the average at least an interest of twenty-four years duration. Now, one of two things must necessarily occur. The right hon. Gentleman, by his cheers on the previous evening, had disclaimed his intention of selling the reversionary interest. He must then let the leases run out, and let the twenty-four years expire; and if he did not, he (Sir W. Follett) should like to ask the right hon. Gentleman in what mode he proposed to find a substitute for Church-rates, unless it were by the sale of reversions? There was no question that he must do it in that way. Let him also ask the right hon. Gentleman, supposing that this property was the property of the state, and to the rights of which he had a sincere attachment—let him ask the right hon. Gentleman, did he think it was a correct or economical way of disposing of the property of the state, to sell it for one-half its value—to sell at a great loss, and for the worst of all possible reasons—not because they were in want of money—not for the purpose of removing a grievance, but for the purpose of yielding to a cry which his Majesty's Ministers themselves admitted was not well founded; He was much disposed to believe, after the statement of the right hon. Gentleman, that the effect of this measure would be, as had been suggested last night by an hon. Member on the other side of the House, notwithstanding all the statements of the Chancellor of the Exchequer, that for many years, at least probably as long as the present race of Dissenters existed, the fixing of a charge upon the Consolidated Fund. Again, when the Chancellor of the Exchequer proposed that, because in certain parishes debts had been contracted on the credit of Church-rates, the debts so contracted should be left to remain a burden upon the respective parishes, to be paid by means of a rate levied for the purpose, he should like to know how the grievances of the Dissenters would be removed in this case. He always understood that the resistance to Church-rates was one of principle, not of amount; but if the Chancellor of the Exchequer left a debt of 800,000*l.* to be paid on account of Church-rates, what was that, in fact, but continuing and recognising the principle of the grievance of which they complained ["No, No!" from Mr. *Baines.*] The hon. Gentleman said "No!" He should be very glad to hear the hon. Gentleman explain the distinction which he imagined to exist between the payment of Church-rates and the payment of a debt contracted on their account. He should wish to hear the hon. Member's reasons for disputing that point. If there existed a religious scruple to the payment of a certain tax, he could not conceive how the amount in any possible way affected that scruple. But by the right hon. Gentleman's proposition these debts were to be charged upon the Poor-rates, and not the Church-rates. Did the right hon. Gentleman know that there was a different species of property affected by Poor-rates? Or had he consulted the law officers of the Crown on the subject? Poor-rates and Church-rates were in many cases levied upon different property. In many parishes property liable to Poor-rates was not liable to Church-rates, and did the right hon. Gentleman mean to transfer the burden from one particular class of persons to another? The right hon. Gentleman could not possibly adopt this part of his plan without in many places burdening persons with those debts, who had not been previously liable to Church-rates. He would now call the attention of the House to what, in his opinion, was a matter of great importance connected with this question; but, however, not so much a matter of importance in principle, as regarded the Established Church, as in the principles of justice and fair dealing towards the lessees of Church property. The right hon. Gentleman, the Chancellor of the Exchequer, had thought right, in support of this portion of his plan, to appeal to the authority of Mr. Pitt, in the mode adopted by him towards the lessees of Crown lands. First of all, he would remind the right hon. Gentleman, that that was no authority whatever for that part of his plan, which dealt with the sale of reversions; and he could not quote the authority of Mr. Pitt, as sanctioning such a waste in the disposal of Church property as would necessarily take place in the operation of his measure. In the case of the Crown lands, there had been no sale of reversions, the object of Mr. Pitt and the Government of the day was to improve the property, so as to make it of the highest productive value to the Crown, consistently with the interest of the existing lessees. He did not conceive, therefore, that that formed a precedent for this or any other measure proposing the sale of a reversionary interest. Now let them look at the position of the lessees of Church property. It was said, that they had no legal right to compel a renewal of their terms. That formed the whole foundation for the present plan—a plan involving a compulsory enactment as regarded both lessors and lessees, to whom it left no choice, and against whom, if unwilling, it would be acted upon. The principle of the plan was, that lessees had no legal right to this property. But let the House examine if that principle were a correct one. It was quite true that the lessees could not go into a court of equity to compel renewals, but let the House look at the position in which they actually stood. As against the lessors they had no legal right; but what was their position in other respects? This property had been handed down through generations and centuries to the present possessors. It had been held so far back—nay, further back, for the titles were more easily traced than any freehold property. It had become the subject of family settlements, of mortgages, that would fetch in the market a price very little inferior to fee-simple lands, and had been held by the families of the present lessees for centuries. Still, it was asserted, that they had no legal right. But, had they not a legal right against every one but the lessors? Well, would the lessors renew? In the first place, the lessors always had renewed, and in the next, it was his interest to renew. He believed, indeed he was quite sure, that none of the dignitaries of the Church would incur the risk of extracting such fines as would prevent or throw obstacles in the way of these renewals. But it did not rest in that alone. Did not the right hon. Gentleman know, that by statutes restricting leases, the lessors were unable to go into the market and bargain, that the deans and chapters could not grant concurrent leases, and that the bishops could not grant them, unless, with the consent of the dean and chapters? They were obliged, therefore, to renew to the existing lessees, or to let the leases run out. Was the right hon. Gentleman aware, that they were not a continual, but a fluctuating body, and anxious, if the right hon. Gentleman pleased, to receive the profits of the property, for which purpose they should grant renewals to the lessees. If the lessee had no legal right, had the Legislature a right, to interfere between lessor and lessee —to interfere againt both unwillingly? Had they a right to say to the lessor, that they would prevent him from granting renewals, and to the lessee, that he should not continue in possession of this property? Was there any precedent for such a course as that? He thought not. The Crown, in the case referred to by the Chancellor of the Exchequer, was the landlord, having a right to run the leases out, and intending to do so for its own benefit; and the Crown had come to that House, not for the purpose of demanding permission to do that, but for the purpose of giving a beneficial term to the lessee, which could not be done without the interference of the Legislature. But was that the case here? Certainly not; for here they were acting both against the lessor and the lessee, interfering between them, contrary to their wishes, and compelling them to do something, not for their own benefit, but for the benefit of somebody else. Was this a proper interference with private property? He did not mean to say, that this property was always to remain in the same state. He was perfectly aware of the disadvantages which arose in many respects from its present state; at the same time, he did not think that there would be any very considerable difficulty in altering the tenure of that property with due attention to the interests both of the lessor and the lessee. Of this, however, he was quite sure, that they could not do so by any general compulsory plan. It had been asserted that the terms proposed by the present measure, were advantageous to the lessee. In that opinion he did not agree, because, what might be advantageous to the lessee in one part of the country, might be disadvantageous to him in another. What might answer very well in Durham, might prove highly prejudicial to the interests of the lessee in Devonshire. They, therefore, could not act upon any general plan. It was essential to act differently towards different lessees, and it was equally essential that the plan should be a voluntary and not a compulsory one. Was the right hon. Gentleman aware, that there was no property upon which money was so easily raised as upon that of Church-leases? He knew that this property was considered, or at least had been, until discussion had arisen upon it, less liable to objection than many freehold estates. It could not be denied, that money to a considerable amount had been raised on, and mortgage made and mixed up with, this property. But the course proposed by the right hon. Gentleman, the Chancellor of the Exchequer, would destroy these securities, inasmuch as it would prevent the renewal of the terms under which they had been given and were held. The mortgagors had no interest, and would not purchase upon the right hon. Gentleman's terms; and the mortgagee had no interest, even allowing that he wished to purchase. Did the right hon. Gentleman then mean to grant compensation in such cases, and to pay off the mortgages? He could not take from the mortgagees their security, without in some way indemnifying them. What did the right hon. Gentleman mean to do in a case of an ordinary family settlement, one party being interested for life, and another party interested after the death of the first? He would not allow the renewal of the lease, and what would be the consequence of that? Why, the lease would run out, the tenant for life would have the full income out of it, and those in remainder nothing, But this property was not only settled by itself, but settled also with freehold property. Parties had purchased freehold property, and mixed this land up with it. Were they then to take this land from them, and thereby altogether destroy their estates? How did hon. Gentlemen opposite propose to act with regard to houses, and again with regard to mines? The noble Secretary at War had told them that mines were not included in this plan. He thought it would be found that they were. He wished now to know how it was intended to deal with them. It was said they were to be given at a certain number of years' purchase; but would it be fair to require the same number of years' purchase in the case of every mine—the value of mines could not be estimated in this general way—it must depend on the position, and on the state of working in which the mine may happen to be—it might be nearly worked out, or just began to be productive, and might require a large outlay of capital—or the capital might have been already expended—with all these considerations, with all these various descriptions of property, with all the settlements and mortgages to which it is subject, was that House to be told, that it was consistent with the eternal principles of justice to disturb them and the interests they involved, and to strip the present posessors of their property? Thus, the position of the lessee was, in his mind, a decided objection to this measure, and he hoped that the right hon. Gentleman, or his right hon. and learned Friend, the Attorney-General, who was so well versed in this matter, would explain to the House how, in his judgment, it was consistent with the principles of justice, and with this right—he would not call it a legal right—but what was in his estimation tantamount to a legal right—for the House to pass a law altering the tenure of the property against the will of the parties interested, and for the benefit of other persons. Upon that ground, if there existed no other, would he object to this measure. The right hon. Gentleman said, that the funds he was to raise would not come out of the pockets of either the lessor or lessee, but from the increased value of the land. He believed the right hon. Gentleman might benefit both the lessor and lessee by an improvement in the tenures, but he denied that it could be done by the present, or by any general or compulsory measure. With regard to that part of the funds which the right hon. Gentleman had expressed his intention of raising out of the rents for pews—if it formed any part of the plan to extend to parishes in the country a system which had only been adopted in the metropolis and large towns—the right hon. Gentleman would create more dissatisfaction towards his measure amongst the friends of the Established Church, than he could possibly give satisfaction to the Dissenters. But if these objections were not, as he thought them, fatal to the measure, were there no others? Suppose they could in justice and fairness, both to the lessors and lessees, get this increased income from the lands of the Church, were there no claims more pressing, no demands more urgent upon it, than that which they now affected to settle? After the statement which had been made by his right hon. Friend, and after the feeling manner in which the hon. Member for Weymouth had described the state of a large body of the population, how could those hon. Gentlemen who professed themselves strongly attached to the Established Church—how could the Chancellor of the Exchequer, who had admitted it was the incumbent duty of the State to provide full means of religious instruction for the people, "a duty," said he, "higher and more imperative than that of providing for the national defence," how could that right hon. Gentleman, after such an admission, and in the face of those hon. Members and the country, think of applying any part of the revenues, or possible revenues, of the Church, to other than the religious instruction of the people. The noble Lord, the Secretary at War, had told them, that he was perfectly aware of the pressing necessity that existed for increasing the number of churches, and attending to the spiritual wants of that part of the population which belonged to the Established Church, and the noble Lord had said, that he would support his right hon. Friend in any proposition by which Parliament should be enabled to provide for those necessities. Did the noble Lord seriously mean, that he would advocate the resolutions before the House, upon the ground that the Dissenters objected to any application of the general taxation of the country to the repair of the fabric of the church, and that he could with that feeling, and a belief that that feeling was well founded, support a grant by Parliament for the erection of new churches, or for any purpose connected with the supplying spiritual instruction to the people? Was not the conscientious objection or religious scruple of the Dissenter quite as much opposed to the erecting of new churches out of the general funds, as to the repairing of the old ones? The hon. Member for Leeds assented to that proposition. In what, then, did the noble Lord consider the difference of the case he had put? New churches must be built, clergymen must be paid, and due provision made for the performance of religious ceremonies. Where would the noble Lord find funds for these purposes? Not in the voluntary principle, to which he objected, and not by general taxation, to which the Dissenters were opposed. It was not merely then the resolution, but the effect of the principle embodied in it, that in his mind made it so objectionable,—a principle which would prevent the noble Lord from coming to Parliament and asking for, or consenting to, any such provision for the maintenance of the Established Church. Were his Majesty's Ministers themselves aware of the extent of the concessions they were making? Were they aware that the party for whose benefit they were introducing this measure was determined to push it to the full extent, which meant nothing more nor less than the recognition of the voluntary principle? Now, he would say, that the speech of the noble Lord last night was as strong an argument against these resolutions as any that had been addressed from the opposition side of the House, because the noble Lord had admitted, not only the necessity and expediency, but the right of the State, to provide for the religious wants of the people. And yet, with that opinion openly expressed on the part of the noble Lord, he asked that House to vote in favour of resolutions which were founded upon a diametrically opposite principle, resting his support entirely upon the objection which the Dissenters had to such application of the funds of the country. He had now only one other point to which he wished to call the attention of the House. The hon. Member for the Tower Hamlets had asked them, if they disapproved of the present system of collecting Church-rates, to vote for these resolutions, and that any objections they might raise to the details could be considered afterwards. He willingly admitted to his hon. and learned Friend, that he did object to the present system of collecting Church-rates, and that he was prepared to concur in the alteration of that system; but he would not vote for these resolutions, because nobody could do so who was not disposed to adopt the voluntary principle. He did not hesitate to say that the question rested upon that—upon the denial of the right to apply the general funds of the State to the maintenance of the National Church. But no one could vote for it, who was not prepared to sanction interference with the lands and property of the prelates and dignitaries of that Church. No one could vote for it who was not prepared also to adopt that part of the resolutions of the right hon. Gentleman, which vested that property in the hands of Commissioners, and prevented the Church from ever acquiring the full value of it. Neither could any one vote for it who was not prepared to sanction the principle of compulsory interference between lessors and lessees. He objected to the measure upon all these grounds; but if any hon. Member of that House objected to it upon any one of them, he could not consistently give his sanction to it. They had been told by the noble Lord, the Secretary at War, that the best support the Established Church, like every other institution of the country, could have, was in the affections of the people. He was by no means disposed to quarrel with that statement, for he believed its best support was in the affections of the people; nay, more, he was quite satisfied that they who in that House stood forward to defend that Church from the danger with which it was menaced, in the adoption of these resolutions, even if they should be in a minority, would, he was fully satisfied, find their strength in the affections of the people of England. But whether this question were popular or unpopular, it involved consequences far too vital and overpowering for any such consideration to sway him in the vote which he should give, and it was because his judgment was fixed—that the principle involved in this measure was dangerous—ay, and if pushed to its full extent, destructive of the National Church Establishment of this country, that he felt himself bound to vote against the resolutions of the right hon. Gentleman.

The *Attorney-General* said, he should vote for this measure, because he saw in it security and peace for the Church, and great benefit to the public. He felt himself called upon, after the appeal which had been made to him by his hon. and learned Friend the Member for Exeter, to show to the House why it was that he could neither agree with his law nor his reason. It seemed to him that his hon. Friend had been misled by the zeal he always displayed as an advocate, and was blind to the defects of the case he had undertaken to support. He would not yield to his hon. Friend in his affection for the Established Church, both in Scotland and England. He was affectionately attached to that Church, in the bosom of which he had been born and reared. He looked with respect and regard upon the interests connected with it; he believed it to be of great benefit to the community at large; he wished to see it in the enjoyment of all its rights and privileges, and his only object in regard to it now was, that these should be secured, and that its utility should be extended. He was not for trusting to the voluntary principle, and he thought that that principle and these resolutions should by no means be placed upon the same footing. They could not, in his opinion, trust to the voluntary principle for giving religious instruction to the people. In great towns, and still more perhaps in remote districts of the country, unless religious instruction were provided by the State or by endowments, he much feared that ignorance and vice would prevail. He asserted that there ought to be an establishment, and that for the purposes of that establishment it was indispensably necessary that a provision should be made for the maintenance of the fabric of the Church, and for the performance of religious worship. The question was, whether the present mode of providing for the repair of Churches and for the performance of religious worship was satisfactory and could be continued? In his humble opinion, it was wholly inefficient, and he believed that a change in the law was absolutely necessary. His hon. and learned Friend had begun by taunting hon. Members who sat on (the Ministerial) side of the House with inconsistency; but he thought it would have been more delicate, perhaps, if his hon. Friend had just cast a glance to his right upon some hon. Members who sat upon the same bench with himself, and have considered whether he were perfectly correct in having directed his taunt to (the Ministerial) side of the House. He would be glad to know how the noble Lord the Member for North Lancashire, who had cheered so much of late, had maintained his consistency by opposing these resolutions, and if he had not altogether altered his opinion upon the mode of regulating the temporalities of the Church. There was nothing short of impossibility which that noble Lord could not effect in that House, but to clear up these points he certainly would have to draw largely upon his ingenuity and his talent. His hon. and learned Friend had said, that he dissented from the law of the Chancellor of the Exchequer respecting the nature of Church-rates. He could only say, that he entirely concurred in that law, because he believed it to be the law of England, and he was willing to stake any character he might have on the rectitude of that opinion. He said, that Church-rates were not to be considered as a charge upon landed estates. The right hon. Baronet, the Member for Tamworth, had alluded to the case of Scotland, and was correct in his allusion. The repair of Churches and glebe-houses, or manses, as they were called in Scotland, was chargeable on the land. Land there was held on condition that the Churches and glebe-houses should be kept in repair out of that land, exactly in the way that some lands in England were held on the condition of keeping certain bridges in repair. But Church-rates in England were placed on a different footing; they were a personal tax. It would be neither instructive nor amusing to the Committee to enter into an investigation of the origin of these Church-rates. There could be no doubt from the experience of the ecclesiastical history of the country, that the fabrics of the Church were repaired and built out of tithes. At what time the Church threw off that burthen on the laity did not precisely appear, but that it was thrown off could not now be questioned, neither could it now be questioned, that the repair and building of the fabrics of the Church became a personal obligation on every man according to his ability; though the land possessed by a man were taken as one criterion of his ability yet it was not a charge upon the land, but a charge upon personal property. The same was the case with regard to the poor-rates under the provisions of the statute 43 Elizabeth, by which that impost might be levied either on land or personal estates. The latter plan however, had been found inconvenient, and therefore all through England the poor-rates were levied on the lands. So also in the same manner were the Church-rates, still, however, it had been decided so lately as the year 1824 by the Court of Delegates, the highest Ecclesiastical tribunal, that ships might be rated to the Church-rates. Well, then, was it just that such a tax should be now imposed on those who derived no benefit from the Church it went to maintain and support? In its origin it was doubtless based on equity and justice, because then all men in this country were of the same creed, the same faith, the same religion, and it was in consideration of the benefit the rate-payer derived from the Church that the burthen was imposed upon him. But now, when there were so many different religious persuasions in this country, it was most unjust that the Dissenter should be called upon to contribute to maintain another religion, when he was put to the expense of erecting his own place of worship, and of paying his own spiritual pastor. He did not agree in the law laid down by his hon. and learned Friend, the Member for Exeter, and on the contrary maintained that no analogy existed between tithes and Church-rates—that tithes were a charge upon the land, and that Church-rates were not. From the variety of religious persuasions which now existed, the Church-rates had become more and more odious; indeed, in some parts of the country they were held to be intolerable, such were the bickerings, scandals, quarrels, and litigation to which their collection gave rise. As to litigation on the subject it was without end. He could name a case in which he had been opposed by his hon. and learned Friend the Member for Huntingdon, where the whole amount for which the litigation was commenced was *3l.* or *4l.* Church-rates, and in that cause costs had been incurred to the amount of several thousand pounds; and such was the feeling now in the country, that if the Legislature did not provide a different fund out of which to effect the building and repair of Churches, he was much afraid that ere long the Churches would be in ruins. The Legislature must effect a change in the existing law, and the only question was, what that change must be. His hon. and learned Friend, the Member for Exeter, seemed to think that the law ought to be made more stringent. He would say, that if resistance to Church-rates were made felony without benefit of clergy, and if the refusal to pay them was made a transportable offence, even then the people would not submit to the impost, nor could Church-rates be collected. He also denied the assertion of his hon. and learned Friend as to the mode of compelling the making a rate for repairs of the Church. When the rate had been imposed, an appeal lay to the Ecclesiastical Court, in which a man might be libelled for non-payment of the Church-rates, but there was no mode of compelling a parish to impose the rate. The Court of King's Bench would laugh at his hon. and learned Friend if he asked that Court for a *mandamus* to compel a parish to make a Church-rate for repairs of a Church, though it would be granted to compel the payment of parties who had advanced monies on the Church-rates; but he repeated, that as the law at present stood, there existed no mode whatsoever by which a parish could be compelled to raise a rate and repair the Church. True, in the olden time there was a remedy, for the Pope would have put a parish under interdiction if the Church were not repaired—would have cut them off from bell, book, and candle—would not have allowed them to enjoy the ministration of religion, the dispensation of the sacrament, or any other consolation, so far as the priest was concerned, which Christianity offered to mankind. But now, in these Protestant times, there was no remedy—there existed no means, civil or ecclesiastical, by which the imposition of a Church-rate could be effected. He challenged the hon. and learned Civilian opposite (the hon. Member for Bassetlaw), to point out to him any mode of proceeding which was afforded for such a purpose. The hon. and learned Civilian had said last night that he knew no means, and there were no means. What was the consequence? a Church-rate could not now be compelled, and in what manner could the law best be changed? It had been thrown out, the other night, by the right hon. Baronet, the Member for Tamworth, that a distinction might be made between the Protestants and the Dissenters—between the town parishes and the country parishes; in other words, that there should be one law for the town, and another law for the country districts. He admitted that, coming from the right hon. Baronet, this proposition had astonished him, for it was clear that by such legislation a permanent system of evils would be established. There would be no rule by which to determine what parishes should be placed under the one law, and what parishes should be subjected to the operation of the other law. This would be a complicated piece of machinery, inapplicable to the purpose for which it was intended, and would not work. The only practical plan which had been suggested with reference to this important question was, that proposed in 1834 by Lord Althorp, while the noble Lord, the Member for North Lancashire, was still a Member of the Cabinet. What share the noble Lord had in the preparation of that plan, it was impossible for him (the Attorney-General) to say; at that time he had only filled a subordinate situation in the Government, and did not know the secrets of the Cabinet. But there was in that plan one provision of which he could not approve—in short, he thought the Bill to which he referred was the only measure of Lord Althorp's Government which contained anything like "thimblerigery." Who suggested that provision he knew not, but certainly the noble Lord opposite (Lord Stanley) was then a Member of the Cabinet. In that measure it was proposed that the Church-rates should be charged on the English land-tax, and he felt bound to say, that he disapproved of that provision, because it was calculated to conciliate the people of Ireland to a measure, by which *primâ facie* they were to be aggrieved. The effect of such a charge on the land-tax would be as bad as if the charge was made as had been suggested, on the Conlidated Fund. If charged on the Consolidated Fund, there would be great and solid grounds for complaint in Scotland, in Ireland, and in many parts of this country. He knew that his constituents in Edinburgh revolted from the proposition, because they said they were taxed, not only to support the fabric of the Church, but also to pay the ministers of that Church in Edinburgh, and they therefore thought it unfair that they should be taxed also to maintain the fabric of the Church in England, and to contribute to the means for the due celebration of divine worship in this country. In Ireland the evil was felt to be equally great; there they paid their vestry cess, and they thought, very reasonably, that the same principle should at least be tried and acted upon in England. The Dissenters of England were dissatisfied with the proposition, because they said it was unjust to call upon them to pay such a tax, when they maintained their own chapels, and paid their own pastors. He had, however, certainly regretted that measure had not been carried into effect, for it was a measure of peace and conciliation; but now that he found that such a measure would be still more objected to than before, that it would not now be accepted, and that instead of being a measure of peace, it would now be one of exasperation, it was impossible for him to give it any longer his support. What then was to be done? The law must be changed; no plan at all feasible had been proposed or suggested, except the plan now brought forward by His Majesty's Government. That plan was new. No mode had ever been suggested or pointed out before, by which the property of the Church could be made available to the Church; it was not before known or expected even by the hon. Member for Middlesex, that there was open a fund which might now be rendered so efficient. And what was that plan to be, but simply an improved system of the management of Church lands, whereby those lands would be enormously improved—whereby the wealth of the country would be yearly increased—whereby "plenty may prevail in the land?" It was by this new and improved management, that a fund was to be provided, without injury to the Church, without injury to the lessees of Church lands, and without injury to any human being. The fund that was wanting would thus be supplied to the general benefit of the whole community. To show the expediency and the efficiency of this measure, three things were necessary to be proved. Those three points had been met by his hon. and learned Friend, the Member for Exeter, who had denied the proof of each and every one of them. In this respect, the hon. and learned Member had been much bolder than any other speaker on that side of the House, for even the hon. and learned Member for

East Retford admitted two points out of the three. The three points which the Government had to prove were these—that there would be a fund; that such fund might be raised without injury to any individual, and that the proposed was the proper application of that fund. If they succeeded in making out those three points, it was all they had to demonstrate. With regard to the first point, he must say, that his hon. and learned Friend, the Member for Exeter, had been rather inconsistent, because at one time he said the bishops would suffer desperately, and at another time his hon. and learned Friend argued that the lessees would be the sufferers. His hon. and learned Friend seemed to think, judging from his course of argument, that four persons might sit down to whist, and all rise losers. In this case, however, he submitted they would all rise winners. He would not enter into the calculations which had been made, because there were so many hon. Members who understood them so much better than either his hon. and learned Friend or himself. He would, however, just remark, that he believed the right hon. Baronet, the Member for Tamworth, had fallen into some most unaccountable blunders in respect to the calculations—blunders which, in the result, were more favourable to the scheme of the Government than to that of the right hon. Baronet. Instead, however, of entering into those calculations, he would, on the first point, refer the House to what had been stated by the hon. and learned Member for East Retford (Mr. Vernon), who had had practical experience on this subject, who had been cradled in renewals of Bishops' leases, and who told the House why the funds would be improved at least equal to the amount stated by his right hon. Friend the Chancellor of the Exchequer, and also that the figures of the right hon. Baronet opposite (Sir R. Peel) would ere long be shown to be most egregiously and lamentably erroneous. Let the House, then suppose that the fund had been acquired as stated by the hon. and learned Member for East Retford, and then ask themselves whether it had been acquired to the injury of any human being. With regard to the Bishops, he would say, that considering what bishops were in the present day, it would be much better if they devoted themselves to their pastoral duties than to the embarrassments and vexations incident to secular concerns—such as negotiations for the renewal and making of leases. True it was, that in former times a bishop of Durham had marched forth armed *cap-a-pie* at the head of an army against the Scotch—true it was, that a King of England had inquired of the Pope whether the coat of mail worn by another bishop were his son's "spiritual coat." Now, looking at the rev. bench, constituted as it was in a manner to put beyond possibility the chance of a better selection, he apprehended they would feel themselves very much relieved by being absolved from embarrassing negotiations, which were much fitter for an actuary than a bishop. Suppose the Lord Chancellor, the Chief Justice of the Kings' Bench, the Chief Justice of the Common Pleas, and the Chief Baron of the Exchequer, happened to be paid now by the rents and profits of certain estates annexed to their respective offices; would it not be much better that those estates annexed to their respective offices; would it not be much better that those estates should be handed over to a general management, and when the quarter-day came, those high functionaries should be paid the net amounts of the salaries apportioned to them for the maintenance of their high rank and station, rather than they should be directly mixed up with the renewals of and the negotiations for leases of the estates in which they were interested. He was sure the change would add to their character in Westminster-hall. But he need not put this imaginary case, for the Master of the Rolls was formerly in the situation he had suggested; it was found inconvenient and under an Act of Parliament the estates were disposed of, and the Master of the Rolls was now paid at the Treasury. As to the bishops, there was no reason to suppose that they would at all suffer from being relieved of the management of their landed estates—the fruits of those estates they would still continue to enjoy, and this change would not at all interfere with their right to sit in the other House of Parliament. The change would give the bishops more time for political as well as religious duties—it would give them an opportunity of enjoying, to the fullest extent, all their rights and privileges, of none of which would he deprive them. His hon. and learned Friend, the Member for Exeter, then came to the case of the lessees, and after leaving the bishops had taken great compassion upon them. Now he (the Attorney-General) had heard no complaints from the lessees; on the contrary all the accounts he had heard represented the lessees as being well pleased with certain details to be met by this measure, and especially with the certainty which it afforded those who wished to have an opportunity of purchasing the perpetuity, of accomplishing their object, instead of the danger which now existed either of not obtaining a renewal at all, or, obtaining it on most unreasonable terms. The lessees, from all the accounts which had reached him, were exceedingly well pleased with the proposal which his Majesty's Government had made; and, indeed, it would be strange if it were otherwise, for he hesitated not to say, that at present the worst tenure, both for lessees and lessors, was that of Church property. He had devoted much time to the reform of the tenures of property and he was most anxious that the copyhold tenure, which closely resembled that of Church property, should be reformed. Those tenures prevented all possibility of the improvement of the lands, for no man in his senses, holding copyhold or Church property, would build a House or plant a tree upon it, for, according to the improved condition of the property, the terms of renewal were increased. In Sussex, where the copyhold tenure was but too common, it was a common saying "that the oak was too noble a tree to grow in servile land," the plain English of which was, that no man would plant a tree which he would not be entitled to cut down. So also with respect to Church leases, it had been said, that one half of the City of London was built upon Church-lands, but it should not be forgotten that this was owing to certain Acts of Parliament, which gave to the lessees much more advantageous terms than could be conferred where no such Acts had been passed. On the whole, therefore, he thought that under the measure now before the House, the lessees of Church property had cause to rejoice, for to them all uncertainty would be removed, and the instances of young bishops running their lives against leases would entirely fail. Another consideration for the lessees was, that at present the difficulty of obtaining renewals became greater and greater every year. The hon. and learned Member for East Retford had let the House into the secret that the bishops now consulted Mr. Morgan and Mr. Finlaison, and then called for a much larger sum for renewal than before, and that the lessees found their tenures much more embarrassing and detrimental. The change proposed would not be of any prejudice to the bishops—none to the lessees—there was no vested right that would be affected by it—all the present incumbents, prebendaries, and canons and others, to the last hour of their existence were secured as large an income as they now enjoyed. That being so, he thought he was justified in saying, that the second proposition had been made out, and that the fund could be raised without injury to any human being. He, therefore, now came to the third proposition, namely, how was that fund to be applied. His hon. and learned Friend opposite (Sir W. Follett) had said, that it ought to be applied to new endowments. This was following up the only objection to the present plan urged by the right hon. Baronet the Member for Tamworth, on the first night this matter was discussed. He admitted the necessity of religious instruction, and should rejoice to see it fully supplied; he, however, thought that a most improper criterion to ascertain the extent of accommodation for religious instruction, by stating that in a certain district containing a certain population, the Church would only accommodate a certain number of the inhabitants, there had been wholly thrown out of the calculation the number of the places of worship and instruction supplied by the Dissenting portion of those communities to which reference had been made. He declared, that in Cheshire, where the distress in this respect had been stated to be most deplorable, there were chapels and places of worship where persons went according to their consciences, without there being any call for fresh endowments. But the question now really was, how, for the benefit of the Church itself, could this fund so raised be best applied? Would it be best applied in new endowments, or in securing the utility and energy of those which now exist? He maintained, it would be monstrous to make fresh endowments in new districts, while there were numerous parish Churches already falling into decay. He should therefore say, first supply the expenses necessary in parishes now endowed, and when that was done it would be time to look to the extension of religious instruction in other districts. He should be most happy to support and assist in a scheme for the diffusion of religious instruction in England, Scotland, and Ireland, in the same way as education should be taken care of by the State, but his firm conviction was, that if the funds were applied in the way proposed, it would be much more for the benefit of religion than by making any fresh endowments. He looked forward with the most sanguine hopes to the pacificatory and healing effects of this measure. He trusted, now that the tithe laws had been amended, when Church-rates were abolished the repairs of the fabric of the Church, and the expenses of decent worship were defrayed from another fund, that the discontent of the Dissenters would cease, and that they would join with the Church in aid of the prosperity of the cause of religion. It seemed to him that the most salutary effects might be anticipated from the proposal now made, and he entreated hon. Members not to refrain from doing justice in this particular case, from fears of any ulterior demand. Let them now rather do what was just, and resist afterwards any unreasonable demand when it was made. He would beg of them not to be led away by the speeches here or elsewhere, but to judge the measure by its merits. He begged to ask hon. Gentlemen opposite if they would adopt the sentiments of all those who had taken part with the Church. Were they disposed to adopt or be answerable for the sentiments which had been put forth on the question by some of the dignitaries of the Church? He had read recently a visitation charge of the Bishop of Exeter, in which the right rev. Prelate stated, that the Attorney-General had been most remiss in not prosecuting certain libellous publications. Now, he must say, that of all publications—of all the libels that had ever come before him since he filled the situation he had now the honour to hold—this visitation charge seemed to him to be the most libellous, and if he had been disposed to file an *ex-officio* information, he should have filed it against the Bishop of Exeter. He, however, had not been called on to file a single *ex-officio* information since he had held the office of Attorney-General, and he did not believe that his refraining from the exercise of that power had in the slightest degree been prejudicial to the public, nor did he think he should be much blamed for not having prosecuted the Bishop of Exeter. He left the visitation charge to others, for it would be read without creating any degree of sensation. But he would ask hon. Members opposite, if it was decent to say, (speaking of a question like the Dissenters' Marriage Bill) that "no sane man would some years ago have had the hardihood to propose such a measure?" Would hon. Gentlemen opposite say it was decent for a right rev. Prelate to charge a body of Members of the House of Commons with treachery and perjury? Would they admit that it was becoming or decent to charge the King's Government "with seeking the support of an infidel faction?" These were only a few specimens of the sentiments to be found in that publication. For the bishops he entertained the highest respect and veneration, but he must deprecate the conduct such as this in one of that right rev. body. And do not let hon. Gentlemen draw conclusions from the particular statements of any individual, however high his station might be. He had now only one more observation to make to allay the apprehension which had been excited as to the censure of posterity. Now, he believed that posterity, so far from condemning, would applaud their conduct in making the attempt to put an end to an unjust impost. Our forefathers never would have laid on such an impost; and nothing could be more unjust than to consider the evil as one emanating from the wisdom of our ancestors. Let them look to the circumstances which existed when the law of Church-rates took its origin. At that period all the inhabitants of this country were of one religious persuasion—all worshipped their God together in one place. It had since pleased Divine Providence to grant that there should rise up a great diversity of religious opinion; and to call upon those who dissented from the Established Church to contribute to the maintenance of that Church by such a tax as that of Church-rates, was a principle which never would have been sanctioned by our forefathers; and posterity, he repeated, would applaud those men who sought to remove such a crying injustice. For these reasons the resolution had his unqualified sanction and support; and he trusted that when the Bill, to be founded on this resolution, was understood, and when those misrepresentations which had overspread the measure should be removed, and the Bill should be submitted to the good sense of the country, its true character would be made apparent.

Mr. *Law* trusted that the House would allow him to trespass on its patience for a short time, on an occasion like the present, when a question of vital importance, involving, as he sincerely believed it did, the best interests, the integrity, and stability, nay, the very existence of our national Church, was under discussion. It was impossible for him to approach the consideration of this question without those feelings, connected as he was with a constituency who felt the deepest interest in the subject, and who attached to the discussion of that evening and to the event of this struggle between the Dissenters and the national Church the very last importance. It was not his intention to go through the various details which had been so well sifted and disposed of by hon. Members who had preceded him. The observations which he had to make would be chiefly limited to the principle of the measure. He could not but feel that those who had advanced the interests of the Church by the exertions which they had made in the course of this debate had left to those who should follow them little else but the dry husk of fact and legal argument. It was not possible to avoid feeling that the question had been discussed as if it really was a plan ripe for adoption, and without regard to the fact that the measure proposed by his Majesty's Government, however fatal it might prove to the Church if carried into effect, was a measure which, before it was formally introduced, they (the Government) had every reason to believe would never be accomplished. Hon. Members on the other side of the House, who had argued this question, were fully aware that they had been affecting the passing of a measure of which they utterly and entirely despaired. [*Cheers.*] By those cheers he presumed he was to learn that a ray of hope yet remained to his Majesty's Government that, if not at present, at some future time, and in some modified shape, they would carry the proposed measure. [*An hon. Member* "The precise Bill."] As he heard an hon. Member say, of course without any intention to interrupt, that the Government expected to carry the precise Bill he would call the attention of the House to the real nature of that Bill. The simple question was, whether the Church-rates should be abolished, and whether the sum of 250,000*l.* now made applicable to the repair of the fabric of the Church should be withdrawn, and the deficiency supplied by appropriating a portion of the estates of the Church to that purpose. The question was not whether by an improved system of management other funds might be raised and made applicable to the more immediate spiritual wants of the people, but whether those funds, when so improved, should be at once anticipated in order to throw off the burthen of Church-rates from the Dissenters upon the estates of the Church, which it was asserted were likely to be improved to the extent of the amount required to make up for the abolition of Church-rates. Admitting an improvement in the estates of the Church to be probable, that, in his opinion, furnished no ground for the abolition of Church-rates, because, first, they were bound to ask, was the principle on which the measure was founded a just one, and were the means for carrying it into effect safe? And, secondly, did the concession of the principle, or the adoption of the means, involve that which might be found fatal to our Church Establishment? Upon the fullest conviction that the adoption of that principle must ultimately be fatal to the establishment, he rested the opposition which he humbly tendered in this debate to the proposed measure. It was said, as an argument for the adoption of this scheme, that Church-rates and their collection were in themselves an evil which the Dissenters complained of, and regarded as a serious grievance; and they were desired to look with a tender anxiety upon the religious scruples of Dissenters. Those scruples were comparatively of recent date, and he attributed their growth to the increased progress of the spirit which led to the introduction of the appropriation clause into the Bill for settling the tithes in Ireland. The disgust which it had created in the minds of the Protestant population of this country had induced his Majesty's Government to change the field of battle, in order to direct, as before, their batteries, against the Church in aid of the voluntary system and its adherents. The voluntary principle was opposed to the national establishment, and not only was that principle involved in this measure, not only did it go to deprive the Church of that which it had been from time immemorial accustomed to receive for the preservation of the fabric thereof, but the scheme involved the appropriation of Church property and Church estates, not only as they at present existed, but any improvement that might be hereafter effected in those estates. It involved the severance of property from those parties who had a legal and undoubted right to retain possession of it. That this measure involved the voluntary principle had been so clearly demonstrated by those who had preceded him, that he would not impair the effect produced by their arguments by a repetition of them. He was satisfied, however, of one thing, that the establishment of the voluntary principle was the very ground on which this measure had been put forward. But it was said, that it was inconvenient and difficult to enforce the payment of Church-rates. Why, if the right were clearly established, upon what principle was it that an improved system of law was not brought in to the aid of that right? Although parties might be summoned, and the churchwardens might exercise the powers vested in them by law for the recovery of the rates, without effect in some cases, still in law those rates were essentially the property of the Church, and it was as much a violation of justice and right, and an act of spoliation in principle, to take away that which the Church had a right to collect, as it was to take away that which it had already collected. He trusted that when he urged that the religious scruples, or alleged religious scruples, of the Dissenters did not form sufficient ground for such a legislative interference as that now meditated, he might advance that position without being supposed for a moment to consider any difference on religious matters a ground for questioning the sincerity of any one who differed from him, or of judging meanly of the understanding of those who entertained other opinions. He trusted he should not be supposed to be guilty of entertaining such illiberal sentiments. But he could not look on this as an entire and final question. When he saw that on one day they were assailed by that argument that a majority of the people of Ireland required this, or would have that, it must be conceded to the majority, you being the minority, he thought it came with rather a bad grace from those who used that argument to come forward on another day and say, "Here you are unquestionably the majority, but here you must make similar concessions in favour of the minority." In whatever form agitation presented itself, whether it existed among the few or the many, to the storm when it had raged for a while the Council of the King's Ministers surrendered. In the course proposed, however, he would never concur, because he felt that the right of the Church to enforce and collect the rates ought to be maintained by some more simple, more practicable, and less expensive process than the present state of the law afforded. That could not be objected to, unless it was really and truly believed by those who questioned the observation, that the present was a measure for the assertion of the voluntary principle. If not, he apprehended that it was the duty of the Legislature, when a right was clearly defined, to give to that right a corresponding protection and power. While he felt, that the religious scruples of the Dissenters were entitled to respect, he for one, if he stood in their position, should doubt whether his scruples were wholly disinterested, relating as they did to a mere money payment; he should entertain some doubt of giving a religious character to his objections. But the argument which had been urged from his side of the House could meet with no answer—namely, that those who entertained religious scruples to this rate must entertain equally religious scruples to any contributions towards funds intended for the support of the Church, and that the concession of that one point was a concession to the voluntary principle, and led the way for the destruction of the Church. Wherever the principle of the Irish appropriation clause had been put to the test in this country by the elections that had taken place, the chances had been ten to one in favour of the candidate who espoused the cause of the united Church of England and Ireland. The hon. Member for Weymouth had yesterday declared, that if the funds of the Church were to be appropriated under the sanction of the right hon. Baronet with whom he and those on his side of the House had the honour to act, and that if a pledge could be obtained in the event of the reins of Government at any future period being confided to the hands of that right hon. Baronet, that those funds should be appropriated strictly to spiritual purposes, he (the hon. Member for Weymouth) would withdraw his support from this measure, and vote for such an appropriation. That was what he had understood to have been said by the hon. Member whom he was glad to see in his place, because, promoting as he did the measure under consideration, it was important to have learned from him the alarming extent of the destitution of the people with regard to religious instruction. The hon. Member had stated, that three-fourths of a population of 2,000,000 within a limited district, not three miles from St. Paul's cathedral, were utterly destitute of spiritual instruction. It was remarkable, that a similar statement had been made by the venerable archbishop at the head of the Church. The hon. Member also said, that not only was that portion of the population destitute of that religious instruction which the Establishment afforded, but they were destitute of spiritual instruction of every kind; and that there was church accommodation for 500,000 persons only out of 2,000,000, within that limited district. Therefore, the hon. Member had tendered his support to the right hon. Baronet on the condition that the surplus revenues of the Church estates should be appropriated to meet the urgent demands of the destitute population for spiritual instruction. But while the hon. Member for Weymouth had expressed himself willing to march under the banners of the right hon. Baronet, he also urged both Churchmen and Dissenters to go forth and cultivate that wide moral waste he had described. But the hon. Member seemed to have forgotten, that places of worship must be erected for the 1,500,000 who were now devoid of religious instruction, that religious teachers must be provided, and that the fabric of those places of worship must be from time to time repaired, and maintained and upheld; and further, that it was too late to look to the measure under the consideration of the House for such results. No one respected the hon. Member more than he did, but he thought that he would have done well to consider the mischief that was likely to accrue from attaching his name to this measure, while he confessed the difficulties in which both Churchmen and Dissenters were placed, and acknowledged the extent of the crying evils which, in the first place, demanded the application of whatever amount of Church funds might be found available. The hon. Member was followed by the hon. and learned Member for the Tower Hamlets, and assuredly anything that fell from a Gentleman of his extensive experience was entitled to the highest respect; but it was impossible to disconnect from his observations the consideration of the many offices which he held, and their immediate connexion with the Church of England. Whatever that hon. and learned Member had stated was stated by a chancellor of the dioceses of London and Rochester, and a commissioner for building churches, one who in that capacity must have supported the church-rate, and be supposed to have an interest in the erection of churches, and therefore, that such a person should be found amongst those who were for taking from the Church her rights, and depriving her of those resources which from time immemorial she had possessed, was a fact that was somewhat surprising to him. "The Church now stands," said the hon. and learned Member, "in the place of a besieged city, but whilst its garrison is stanch and strong may defy the enemy." He concurred with the hon. and learned Member that those who conformed to the Church, who approved of her tenets and her forms of worship, and maintained her doctrines, would rally round her in this the trying hour of her necessity, if they were indeed the garrison both stanch and strong, the Church would have nothing to fear. But if they who had the garrison under arms, who were in command of the garrison—if the captains of the forces in the garrison had already attempted to destroy the outworks, and were in negotiation for the surrender of the citadel, the time had indeed arrived when the Church was a besieged city, and her safety was, without doubt, endangered. But it was hard to persuade oneself that those who had been bred in that Church would be first to lay the hand of spoliation on her rights and property. But, after all, he entertained no doubt that she would be protected elsewhere. And why did he entertain no doubt that elsewhere such would be the case? Was it from disrespect, or from too exalted a feeling of respect for the honourable men who would check the devastating course of this measure? Was it because he knew, that constituted as another House was, of gentlemen and hereditary noblemen, they would never consent to alienate the rights of the Church, and to put into their own pockets the spoils taken from it? It was no disrespect to prophesy of those of whom it was necessary that every one who knew them must entertain their sentiments, that in a given event they would not consent to do a given evil. He was satisfied that the measure in its present shape could not be passed. At the same time he did not say that no other substitution could be supplied; and he would hail any measure with satisfaction which would preserve the rates to the Church, and relieve her from her present embarrassments. The hon. Member for Ashburton had a few nights ago brought forward a motion by which he kindly undertook to relieve the bishops from their attendance in the House of Lords and from their duties as spiritual peers. He had been succeeded by the hon and learned Member for the Tower Hamlets, whose old affection for the Church led him to propose to deprive them of their estates. Divested then of his authority as a peer, and deprived of his property, the bishop would be reduced to a mere annuitant, and after that it was to be feared that even his annuity would not be secure for any considerable length of time. But in whom was the trust of appropriating the revenues of the estates of the Church to be reposed? It was intended that the Archbishop of York, the Archbishop of Canterbury, the Bishop of London, the Bishop of Llandaff, the Dean of St. Paul's, and others should be appointed, at the pleasure of the Crown, as Commissioners. Now, it was a remarkable feature in this transaction, that they who were proposed to be appointed trustees had given a most unequivocal demonstration of feeling against the acceptance of such an office. With the strong repugnance to the measure which those who were attached to the Church of England and those who adorned and dignified the highest places in the Church exhibited, he could but anticipate the complete failure of the unhallowed project. It was not for him to say how the votes of that House would go, but if the noble Lord opposite did not receive the support he was accustomed to, it was easy to tell in what position he would be placed. With regard to the professed advantages of the measure, he would not deny, in the first place, that an improvement in the Church funds might take place, but that increase ought to be left to the disposal of the bishops, deans, and chapters, who had a right to see, that it was appropriated to meet the prior calls of the community for religious instruction; secondly, he contended that that House could not consistently with justice and right alienate from the Church the revenues derived from the rates; and, thirdly, that they had no right to appropriate any surplus revenue that might exist, except to the more sacred purposes of religious and spiritual instruction. He had felt it his duty thus briefly to state his objections to the measure of the right hon. Gentleman, upon which he did not wish to give a silent vote.

Mr. *Caley* would apply himself to the financial part of the question, not that he less felt the deeply important nature of the question in another point of view. There was no man in the House more warmly disposed than he was to do justice to the subject, or to give that security to the Church which he wished to see it possess. Considering all that had fallen in the course of the debate, considering that there was no security for a fund for the repairs of the fabric of the churches under the existing law, or under the existing habits of society, he felt that he must give his vote in favour at least of the principle of the resolutions proposed by the Chancellor of the Exchequer. He conceived that those resolutions contained three principles: the one was the principle of the abolition of Church-rates, in which he cordially concurred; another was the principle of extracting, if it were possible, a middle sum between the values of the freehold and the Church leasehold, if it could be fairly and justly obtained: and the third principle involved in these resolutions was (and he spoke it with great deference, and without intending offence) a principle of extortion from the lessees. On the part of the lessees he thought it his duty to pay his warmest thanks to his hon. and learned Friend the Member for Exeter for having broken ground with respect to the justice and equity which were due to the lessees. They had been challenged by the Attorney-General to show how this measure was to operate injuriously towards the lessees. The hon. and learned Gentleman had said that no complaint had been made by the lessees to the proposed plan. No; the lessees had made no complaint, because they had had no opportunity of understanding the plan. They had been deceived and deluded by the superficial appearance of its giving to them the power to purchase the freehold at twenty-five instead of thirty years' purchase. But he (Mr. Caley) was prepared to show how this arrangement would affect the interests of the lessees. He wished not to speak disrespectfully of the Chancellor of the Exchequer, but he could not help expressing his belief that the right hon. Gentleman had one eye open for the Dissenters and the other eye shut, but which ought to be open for the lessees. The Chancellor of the Exchequer was anxious to leave the money in the pockets of the Dissenters; but he feared there was danger that while doing so the right hon. Gentleman would unconsciously be putting his hands into the pockets of the lessees. The right hon. Gentleman had introduced the measure with a great parade of figures; but he (Mr. Caley) was apt to distrust figures when they were set up in opposition to the rights of the productive classes. He had seen figures at one time arrayed against the agricultural class, and at another against the shipping interest, and oftentimes they were against facts themselves. With regard to what he was about to state, he begged to say that he had not had one single letter from his constituents upon this subject, so that there was no pressure operating upon him from without; nor was there one shilling's worth of Church property held either by him or any one with whom he was connected. He took his objection upon the broad principle of justice. Taking the Church leases, not at a twenty-four years' unexpired term, nor, as the right hon. Baronet had stated, at a thirty years' unexpired term, but at a twenty-one years' term, renewable every seven years at one year and a-half's rent, which he believed was the immemorial custom in the Bishopric of Durham, he put this plain question to himself, "What is the difference in value between freehold and leasehold property in Durham?" He was given to understand upon the best authority that the leasehold property under the Church in the county of Durham was valued at eighteen years' purchase, and that the value of freehold property was twenty-eight years' purchase. Between these two values there existed the difference of ten years' purchase; and he would found his argument upon the case of a farm of 100*l.* yearly value. The difference between the value of a freehold and leasehold estate of 100*l.* yearly value was exactly 1,000*l.* Now, he immediately asked himself what would be the difference in the proposed exchange by the plan of the Chancellor of the Exchequer. The Chancellor of the Exchequer proposed that, estimating the freehold at thirty years' purchase, the lessee should have an abatement of five years, making the price of the freehold twenty-five years' purchase, which, for an estate of 100*l.* yearly, would be 2,500*l.* He then proposed to give to the lessee his existing interest in the lease, which, calculated at seventeen and a-half years' unexpired lease, at four per cent., would be 1,241*l.*, leaving 1,259*l.*, the value of the reversion, which the Chancellor of the Exchequer charged for enfranchisement, being equivalent to an annual rent-charge, at four per cent., of 50*l.* Looking at the customary market value of leasehold property in Durham, he found the difference to be thus; according to the market value the price of enfranchisement would be 1,000*l.*, and, according to the plan of the Chancellor of the Exchequer, it would be 1,250*l.* making a difference of 250*l.*, or twenty-five per cent. above the market value. Not being well versed in decimals and calculation, he referred to a valuable friend of his, Mr. Morgan, the actuary of the Equitable Assurance-office. The conclusion to which he and Mr. Morgan had come was that which he had just stated, so far as regarded the comparative price of the enfranchisement of the leasehold, according to the market value, and the value fixed by the Chancellor of the Exchequer's plan. The Chancellor of the Exchequer then proposed not to enforce the payment of this principal money for the enfranchisement, but to receive interest upon it at the rate of four per cent.; four per cent. upon 1,250*l.* was equivalent to an annual rent-charge of 50*l.* a-year. The hon. Gentleman then entered into a detailed statement of the calculations made by Mr. Morgan, and read the following document showing the result:—

"Customary values of a farm of 100*l.* leasehold.

"The fine (for centuries back) has been 1½ year's rent=150*l.* payable every seven years.

"The value of a fine of 150*l.* every seven years, computed in reference to the value of the freehold, is not quite 550*l.* or about twenty-two years' purchase.

"But the value of the leasehold in the market in the county of Durham, is eighteen years' purchase; that of the freehold twenty-eight years'. The marketable difference in this case, therefore, is 1,000*l.*

"About four years, or 400*l.* (the difference between twenty-two years' purchase and eighteen years') is the customary reduction from the value of a leasehold, with the fine renewable for ever, in consequence of the tenure, which may be a fair allowance for the trouble of obtaining renewals; for the liability also of an increased amount of fine from the improvement of the property; the fine being 1½ years' rack rent.

"Purchasing at twenty-eight years' purchase for the freehold, a party makes 3½ per cent. on his investment; or 3*l.* 10*s.*

"Purchasing a lease, renewable at 1½ years' rent every seven years, at eighteen years' purchase, the same party makes 4½ per cent. on his investment; the difference of one per cent. allowed doubtless for the contingencies above alluded to.

"Now, if the lease be taken at an unexpired term of 17½ years (reckoning the money to yield 4½ per cent. as before stated), the reversion is worth 10 1-5th years' purchase; or the annual value being 100*l.*, the reversion in this case is worth 1,020*l.* The result not differing greatly from the customary difference of price in the market, though the calculation be made on a different basis:

"Sum charged by the Chancellor of Exchequer for enfranchisement . .	£1,259
"Difference in market value between the above freehold and leasehold .	1,000
"Overcharged . . .	£259
"Sum charged by Chancellor for enfranchisement	£1,259
"Charge for ditto acccording to customary values, as estimated by Mr. Morgan	1,020
"Overcharged . . :	£239

or about 25 per cent. over the marketable difference. Now, take the rent-charge proposed by the Chancellor, and compare it with the annual reserve which the lessee now makes to provide for the fine of 150*l.* at the end of seven years:—

"Interest at 4 per cent. on 1,259*l.* charged for enfranchisement by Chancellor	£50
"19*l.* laid up annually at 3½ per cent. will produce 150*l.* at the end of seven years	19
"Difference . , . .	£31
"The leaseholders net income is now : . . .	£100—£19=£81
"Ditto with proposed rent-charge would be . . .	£100—£50=£50

Above 38 per cent. diminution of income to leaseholder 31*l.* The net income is reduced from 81*l.* to 50*l.* per annum. Or take it in another way:—Supposing the Chancellor of the Exchequer had been Bishop of Durham the last 300 years, instead of charging 150*l.* fine every seven years (estimating the value of 50*l.* laid up annually for seven years), he would have mulcted the lessee in a fine of 395*l.* or nearly four rents instead of one-and-a-half.

"But supposing the rent-charge to be 3½ per cent. even on the customary value, that on 1,000*l.* is 35*l.* instead of 19*l*; leaving an income of 65*l.* instead of 81*l.* to some poor yeoman whose entirety consists of a leasehold of this value—16*l.* a year less than he now receives, being equal to 20 per cent.

"Is the leaseholder to be compelled to these terms—to a reduction of income from 81*l.* to 50*l.*—or to go into the market and sell a property for 1,400*l.* for which he gave 1,800*l.*?

"What the leaseholder understands by enfranchisement is the privilege of buying up the 19*l.* per annum fine, which he could do for 550*l.*

"Lastly, take the results in gross as compared between the Chancellor's plan and the customary values at eighteen years' purchase:—

Prospective improved value of Church leasehold, according to Mr. Finlayson	516,000
Improved value at the customary rate	296,760
	£219,240

"The basis of this calculation of customary gross result is that 16*l.* per annum is required be laid by, by the leaseholder in addition to the 19*l.* he now pays out of 100*l.* per annum leasehold.

"Sixteen per cent., or 261,000*l.*, the amount of present fines, is 35,760*l.*, which being added to 261,000*l.* will make a total of 296,760*l.*

"The Chancellor of the Exchequer proposes, therefore, to extract from the leaseholder 259,240*l.* per annum more than the customary value, being equivalent to 6,138,720*l.* of principal money at twenty-eight years' purchase, which is the basis throughout of the calculation.

"We have already stated, that taking the fee at twenty-five years', and bringing in the lease at four per cent., the difference is 1,259*l.*, equal to a perpetual rent-charge of 50*l.*, and the lessee being now obliged to lay up 19*l.* to provide for his fine, his annual expenditure is increased 31*l.*; In this manner the exchange is clearly *against* him. But, says the Chancellor, we on the other hand make you an allowance of five years' on the fee simple, the same being worth in the market thirty years' purchase. But the fact is, that this advantage is very trifling; for if he took his *whole* calculations, as he ought to do, by the table giving thirty years' purchase for the freehold, the rent-charge would not amount to more than 56*l.* a year. Thus—

"Fee simple, thirty years'	£3,000
"Lease at 3*l.* 6*s.* 7*d.* per cent., for 17½ years 1,309*l.*	£1,309
"Reversion . .	£1,691

"1,691*l.* divided by thirty years' purchase, equivalent rent-charge 56*l.* at 3*l.* 6*s.* 7*d.* per cent.

"The bonus the Chancellor offers by his five years' abatement, is 6*l.* a-year, to meet a reduction in the income of 31*l.* He *gives* 6*l.*, and *takes away* 31*l.*, leaving the leaseholder minus 25*l.* a year."

The hon. Member then said, that he pledged himself to the accuracy of these calculations. It had been assumed by the hon. Gentleman that the lessees would have an advantage in being allowed to have permanent possession of their lands at twenty-five years' purchase, instead of taking them at thirty years purchase, at which he valued them; but from the statement that he read, it appeared that this abatement of five years', was only worth 6*l.* a-year. The proposal of the lessees was nothing more nor less than offering them 750*l.* for that which was worth 1,000*l.* He asked whether the apparent security that formerly existed for the continuance of the system of Church lands might not be regarded as being equivalent to a good tenure of property? He asked whether this tenure would not be regarded as good in a court of justice? Was not the custom uniformly observed in our courts? There were copyholds renewable on a certain fine, and there were copyholds renewable when the fine was uncertain. In the latter case, when a person had reserved to himself the right of imposing an arbitrary fine, the law interfered, and said, that he should not make a fine of more than two years' improved rental on the estate. On this point he could quote the opinion of Mr. Justice Blackstone, who said——"Fines are sometimes arbitrary and at the will of the Lord, sometimes fixed by custom; but even when arbitrary, the courts of law, in favour of the liberty of copyholders, have tied them down to be reasonable in their extent, otherwise they might amount to a disherison of the estate. No fine, therefore, is allowed to be taken upon descents and alienations (unless in particular circumstances) of more than two years' improved value of the estate." Thus it appeared, that there was confessedly a reserved fine; and, although a party might suppose that he could impose an arbitrary fine, the courts of law interfered and said that he should not impose a fine of more than two years' rental on the improved value of the property, or there would be a disherison of the estate. There was also an authority of later date, on which he believed great reliance would be placed, he meant the Commissioners of real property, who, in alluding to customary tenures in their Report of the date of the 24th of May, 1832, said, "We think it desirable that there should be a final settlement between the Church and the laity upon the basis of present enjoyment, but so as not to give sanction on either side to any recent usurpation which has not acquired the semblance of established right. This plan, we consider will most nearly reconcile strict right with the interest of all parties." The case of the lessees could not be supported in stronger language, nor on a sounder basis. The *bonus*, as it was called, that was offered to the lessees, would cause a diminution of thirty one per cent. in their income, and twenty-eight per cent. in their capital. Reference had been made to the situation of the tenants of the bishopric of Durham; and they held their property, not of the bishop, but of the Court Palatine, and held it in military service. The condition on which they held it was, that they should pay a fine of one year's rent in seven, and on condition that the tenant went out armed whenever the enemy appeared on the border, and whenever called upon by the bishop's summons to attend. When peace was secured on the border there was an additional fine made of one half year's rental on the tenant in every seven years; so that the tenant had to pay a year and a-half's purchase for the renewal every seven years. At the moment, then when the tenants were most secure in the enjoyment of this property in the tenure he had just described, the right hon. Gentleman came down with his proposition, which if carried, would be most unjust to them. Under these circumstances, he asked the House whether it was possible that these resolutions could pass based on such a principle? He did not think that any administration could pass such a measure as the present. He asked whether high-minded men like the Dissenters, in consequence of an injustice having been inflicted on them, would consent to impose an injustice on other classes? He knew many most upright and intelligent dissenters would spurn an Act which was intended to get rid of a grievance on them, but which inflicted ten times the injustice and grievance on others. He was satisfied that the Bill framed as this would be could not stand before the Legislature. At the same time, however, under all the circumstances of the case, he felt bound to vote for the resolutions. He had stated at the commencement of his observations that he felt bound to support one principle involved in these resolutions, namely, the abolition of Church-rates, in which he cordially concurred; and notwithstanding all the arguments that had been used on the other side, he should persist in his intention. He had not heard anything which could justify the continuance of the present system. He believed Gentlemen on both sides of the House admitted, that the present system must be got rid of. At the same time there was much in the proposed plan which was most objectionable.

Mr. *Benett* believed, that this question was not only of vital importance to the Church, but also to the country. No Gentleman in that House could entertain a stronger feeling of attachment to the Church than he did, and for the best interest of the Church itself he would support this measure. He could not agree with some hon. Gentlemen in thinking that it was desirable that there should be a separation of Church and State; on the contrary, he would always exert himself to the utmost to promote that union. He would ask whether it were possible to let matters rest in their present state? He would ask whether it were likely that Church-rates could now be collected in any parish? Indeed many hon. Members who had addressed the House had admitted that something must be done on the subject. Church-rates first began long subsequent to the period when Henry 8th. took possession of the property of the Church; and from the time they commenced till the present they had always been a voluntary contribution, the statute which had passed on the subject having only for its object to enforce the payment after the contribution had been agreed to by the parishioners? To the proposition of Lord Althorp he (Mr. Benett) had strongly objected, considering it most unjust to the Dissenters, and indeed to the whole community, to convert that which had hitherto been a voluntary contribution into a fixed tax, from which there was no escape. The plan now proposed, however, had at once appeared to him a most excellent one; and nothing which he had heard from the other side of the House had in the least operated in changing his opinion upon it. He most fully agreed that it was essential to provide spiritual assistance for the two millions of persons who were stated as at present destitute of religious consolation; and it appeared to him that sufficient funds might with very little research be found to be in existence to meet this so desirable object. There were, for instance, the first fruits and tenths, the last valuation of which took place in the reign of Queen Anne, since which time they had vastly increased in value. He would repeat his decided opinion, that the proposed measure was a most valuable and beneficial one. When lessees once possessed their property with the certainty that they would be allowed to reap all the advantage of improving their land, they would readily expend their capital in effecting such improvement. The Church would realize a certain fixed income, and an end would be effectually put to the mischievous system of gambling now so prevalent. It had been laid down, that the property of the Church was altogether sacred from the control of Parliament. This was a doctrine he could never sanction. He held that Church property was entirely subject to the control of Parliament. If the contrary principle had been admitted where would tithes be now? He should watch the progress of this measure with great anxiety; it appeared to him to contain a principle most just to all parties. Should any portion of the Bill seem to him calculated to work injustice to any party, he should take care to oppose it.

Mr. *Pemberton*, having listened attentively to the speech of the hon. Member for North Yorkshire, must confess that he felt exceedingly surprised at the determination stated at its conclusion. As to the proposed measure, he doubted its justice to the Church, he doubted its justice to the lessees, and he doubted its justice to the State. It had been said, that the question whether Church-rates were a voluntary contribution or no, was an indifferent one; to him it appeared to lie at the root of the argument. If it were a voluntary contribution, there could exist no possible right to convert it into a fixed tax, directly or indirectly. The hon. Member for South Wiltshire declared, that it was a voluntary contribution; so said the learned Attorney-General; and so said the hon. and learned Member for the Tower Hamlets. He (Mr. Pemberton) denied that such was the case; and in support of his denial, he would in the first place appeal from the latter hon. and learned Gentleman, as a Member of that House, to the hon. and learned Gentleman as a judge. What was the law laid down by the hon. and learned Gentleman in speaking of a case which, from its importance, he had considered with the utmost care, and speaking with all the impartiality and knowledge of a judge? What was the hon. and learned Gentleman's judicial opinion upon this question, as contrasted with his House of Commons' opinion. What was his opinion of the law at a time when he had no motive for stating it otherwise than as he found it, and when he had every possible motive for investigating that law thoroughly? The House should hear. The case he would refer to was a question, whether an inhabitant (the Governor) of Greenwich Hospital was liable to the payment of Church-rates in respect of land which he occupied within the parish. The hon. Member for South Wiltshire, who rested his determination to vote for this measure on his entire conviction of the voluntary nature of the tax—though, in point of fact, it was as much a charge on land as even tithes—the hon. Member for South Wiltshire, when he heard the judicial opinion of the hon. and learned Member for the Tower Hamlets, could not consistently refuse to withdraw his sanction to this measure. The question being, whether Church-rates were not immemorially a legal charge on land, these were the words of the hon. and learned Member, speaking as a judge: "Looking at the general principle on which the question of Church-rates depends, there can be, I think, no doubt or difficulty in assuming that a Church-rate has existed in this country from time immemorial, for there is no evidence that it was introduced at any particular period, nor can I find any distinct notice of its commencement. The question, then, which I have to determine is, whether the property, in this case, is exempt from the ordinary liability, on any of the special grounds set forth in the first allegation. It is clear that all property of this description is *prima facie* liable to Church-rates, unless there is some special ground of exemption. But then, said the hon. and learned Gentleman, speaking as a Member of the House of Commons, though these rates may be a legal charge on land, the means of recovering it are defective. Granting that they were so, did this alter the legal obligation, the legal liability to pay them? Because the means of recovery were defective, did that circumstance affect the right to receive on the one hand, or the obligation to pay on the other? Did there not exist the same difficulty in reference to the recovery of tithes; but was that difficulty made the ground of resistance to tithes, or on which the Dissenters claimed exemption from the payment of tithes? If it were not, on what principle was it made the ground of their exemption from Church-rates? The hon. and learned Member, enlarging upon the inconveniences of the present system, had said, that the only question was, whether it should continue or not? That had not been the question. Nobody on the Opposition side of the House had maintained for a moment, that it was desirable to continue the present mode of payment; a mode generally admitted to be irritating —to be, under many circumstances, very vexatious. The hon. and learned Member had stated the alternative to be, that either the present system must be continued, or the proposed measure be adopted. Upon this point he joined issue with the hon. and learned Member. To him it appeared difficult to suggest a plan open to more objections than the one now submitted. In a former year a plan had been submitted to the House, which, until the speech of the Attorney-General that evening, he had never heard described as partaking of the nature of thimble-rig. Such, however, being, in the eyes of the hon. and learned Gentleman, the complexion of that measure, he could not but feel surprised that the hon. and learned Gentleman's conscientious scruples had not induced him to withdraw from a Ministry which could consent to introduce such a measure. It was true that the hon. and learned Gentleman had not, on that occasion, supported Ministers in the House, but possibly this was for the precise reason that the hon. and learned Gentleman did not happen at that moment to be a Member of the House, owing to the unfortunate accident of his failure at Dudley; otherwise there was no saying how vigorously the "thimble-rig" would have been supported by the hon. and learned Gentleman, as being consistent with every principle of justice, and open to none of the objections which he now stated to it. He thought, that in the course of the last Session a question had been put to the noble Lord opposite, and that that question had been answered, and answered in a manner which led, at least, all who heard it, to understand, that a substitution for Church-rates was to be found in the national funds. But, supposing that the plan now proposed was such as its supporters assured them it was to be, was it not obnoxious to precisely the same objection which had been offered to the plan of Lord Althorp, by throwing the charge upon the Consolidated Fund? The Consolidated Fund to which the Dissenters and others contributed, was the fund of the State; it belonged to all the members of the State, and a charge, it was said, was not to be cast upon the whole, which ought to be borne by only one part of the community. He did not agree with those who said, that this was a property which had been created by the State, but if it were for a purpose created by the State, it therefore, then, belonged to the state. He must say, in reply to observations made by the hon. Member for Middlesex, that if it did not belong to the Church itself, what difference did it make applying to the Church a portion arising from a land-tax, or a portion arising from the revenues accruing to the State? It was said, that if they had a right to appropriate the fund, then they had only the right to appropriate it as a national fund, as it was one which belonged as much to them as the Consolidated Fund. Then it was as much a portion of the public revenue as the land-tax, and it might be applied directly to the funds of the State. But when they were considering what would be a fair equivalent for the charge, surely it was important for them to consider by whom the charge was to be paid, supposing it was to be imposed in a different shape. The argument of his hon. and learned Friend, and indeed amongst all on the other side, seemed to take for granted that there had been some undiscovered nook in the Chancellor's budget, which was only now known of for the first time, and these undiscovered treasures were now to be appropriated to this purpose. According to the statement of the right hon. the Chancellor of the Exchequer, it appeared that they were to conjure up a sum of 260,000*l.* That sum was to go into the pockets of the conjurors; but before it did so, it was necessary that it should be conjured out of the pockets of somebody else. But when they looked to this magical scheme that had been so much boasted of, they found that it was a delusion, in which the conjuror himself partook. It surely must be admitted, that the property which they proposed to deal with, was one that belonged either to the lessees or to somebody else. There seemed to him to be only one course pursued, for the maintenance of the argument held on the other side; the argument, such as it was, could be found especially in the speech of the right hon. the Chancellor of the Exchequer. An important error prevailed with respect to the rights of lessees, and this error was to be found in the observations of the right hon. Gentleman. A paper had been read by the right hon. Gentleman with respect to the law of landlord and tenant, and as applicable to the nature of tenancy on Church land. The right hon. Gentleman seemed to consider, that the House was so familiar with the rights of tenants, that he did not feel it necessary to go into any particular explanation on the subject. If the House were indeed so very familiar with the subject, it enjoyed an advantage which the right hon. Gentleman did not himself seem to possess. If he (Mr. Pemberton) might be permitted to explain to the right hon. Gentleman, he would find that he had confounded two things which were quite distinct from each other. The passage read by the right hon. Gentleman referred to the tenant's right of renewal, namely, the species of right which every tenant had from the goodwill of his landlord at the expiration of his lease to renew. The rights of the Church lessees would be found to be placed in a totally different situation. They were not dependent upon the caprice or mere good will of their landlords. Renewal with them was not a matter of chance or of favour. Their rights were secured, and were regarded as matters of certainty. He admitted that there was no legal right conferred by the statute; but he trusted he could satisfy the House, that although there was not a positive right conferred by the Legislature, yet that the Legislature created a relation between the landlords and tenants in their cases, which led to a perpetual right of renewal. But this was nof merely by custom—it was not an act o mere favour, as it had been supposed by the right hon. Gentleman, but it was in consequence of rights established by the Legislature, authorised by repeated Acts of Parliament, and confirmed by the practice of 300 years. If, then, they had been thus authorised by the practice of three centuries—if, in consequence of it, they found such properties made the objects of bargain and sale, securities for mortgagors, the subject of dealing between parties who were entitled to protection from the Legislature, were they then to tell these parties that what had been done for 300 years was not to authorise their proceedings, but to say to them they had no legal rights, and that, therefore, the State would resume its rights? What were the circumstances that created the custom of renewal with Church property? It depended upon two circumstances. In the first place the Legislature had provided 300 years ago that leases should not be granted by ecclesiastical bodies for more than twenty-one years, or for three lives, or for less than the actual rent. That would have done but little; but the object was to protect the Church from the alienation of property belonging to the Church; and they established a further law, the consequence of which was that neither the dean and chapter, nor the bishop, nor any ecclesiastical person could deal with any person except the immediate tenant. It was not, therefore, possible for such persons to go into the market and say, "If you do not give us 1,000*l.* for the renewal of the lease some one else will." The actual lessee had the market to himself, and he alone could surrender the lease. The other circumstance was this: that the dean and chapter were a fluctuating body, and they dare not run their lives against a twenty-one years' term. The consequence of this necessarily was, that they were compelled to take the lease at the full value of the property; and the circumstance of their not having it in their power to deal with anybody else must have influenced their determination in a tenfold degree. The tenants' right, then, did not depend upon chance or favour, as the Chancellor of the Exchequer had contended. It arose out of relations which the Legislature had established for 300 years, and which made the parties quite certain of a renewal. Now, then, was it possible to say, that the lessees had not a legal interest when the Legislature had for 300 years' established that interest, and for 300 years' protected it. But this was not the first attempt that had been made upon this species of property. There had been a similar attempt in the time of the Commonwealth, and it had produced in the north something approaching to a rebellion. He thought the right hon. Gentleman stated, that the estimated annual value of the Church property was 1,320,000*l.* To that extent of property were they to disturb an arrangement which for three centuries had prevailed? Were they to make this change against the interest of the lessors and lessees? But what would be the consequence of such an alteration? Portions of this property had been mortgaged. What was the consequence to be to the mortgagees? A portion of it had been settled for the jointures of widows. What was to become of the widows? A portion of it was applied to the maintenance of children. From what fund were they henceforth to provide for the maintenance of those children? But then they were told that the commutation was offered on the most beneficial terms, so beneficial that there could be no necessity for compulsion. Why then compel parties if the terms were so satisfactory? Why introduce compulsion if it were not required. They were told, however, that there was a precedent to justify them in the course they adopted on the present occasion. They might derange property—they might disturb property which was in existence—they might interfere with the maintenance of those who depended on the incomes arising from that property. This it was admitted they might do, but still he maintained that there was no precedent to justify their present proceeding. If the House examined the precedents referred to, it would find that they afforded not the slightest countenance for the measure before them. The two measures that had been referred to were, first, the one affecting Crown lands in 1794, and the other the Church Temporalities (Ireland) Act, in 1834. As far as the Crown lands were concerned, the right hon. Gentleman was quite correct in the description he there gave of the tenants' rights. He spoke of the Act of renewal of the tenants' leases on Crown lands as an act of mere chance and favour, or rather, he would say, of favour from the Ministers of the Crown. The Crown was not obliged to renew. In the reign of Queen Anne an Act was passed affecting concurrent leases and reversionary leases, and that circumstance it was alone which made the distinction as to the rights of tenants to renew being a mere act of grace on the part of the Crown. But, even in that case, with how many qualifications was the Act accompanied? Did they in that case provide, as in this, that there should be no renewal granted except there was obtained an equivalent equal to a rack-rent? Were parties there compelled to purchase, and if not, their leases to be void? Certainly, there was no such provision in the Act. There was one most just provision: where lessees had no permanent interest there was still a limitation. The first exception was made where timber had been planted, where buildings had been erected, and wherever an expenditure had been incurred. In all these cases an exception was made, and he did not understand, at least at present he did not know, that similar exceptions were made in the propositions then before the House. If such exceptions were made, they ought to have had them stated; they ought to know what would be allowed where buildings had been erected, and where money had been sunk. No such thing had been referred to; there appeared to be no attention paid to the expenditure upon these properties, and nothing seemed to be considered but the rent that was to be received, and the value of the property as it was at this moment. To act upon the principle which the Ministers proposed to act upon, and to carry out their proposition, would, in his opinion, rob the lessees of all they had expended, without giving them a shilling in return. But his hon. and learned Friend seemed to consider that there was a difference between property on lease and property in fee. He spoke of agricultural districts, with which he was familiar, and, passing from one place to another, he certainly would find it difficult to distinguish one species of property from another. Was it true that there was no building upon Church property? Did not half the Church property in London consist of houses? But, if this measure passed, Gentlemen would find that in some places portions of their parks, and in others of their mansions, were half Church land. The lands had been held by them for three centuries, and there was no means now of distinguishing leasehold from freehold. Perhaps some Gentlemen would be astonished to find some fine morning, that portions of their property, which their ancestors enjoyed for three centuries, belonged to the Church, and that they were tenants of the Church. He congratulated the Solicitor-General on the prospect which was before him. There would be great joy in the Court of Chancery—infinite would be the number of Commissions to be issued—infinite the Commissioners to set out the proper bounds throughout the kingdom — infinite the distinctions between that which was leasehold and that which was freehold property; and still more infinite—if he could speak comparatively of that which was infinite—the litigation which was to follow from all this. He hoped the House would now permit him to call its attention to the case of the Irish lessees. Let them observe what had been done in the Irish Temporalities Act. By that measure a certain number of Irish Bishoprics had been curtailed — the property that belonged to the vacant dioceses had been vested in Commissioners. What provision was then made for the lessees? The interest of the lessees was recognised by the legislature—the tenants right to renewal was recognised. Did the Legislature prevent the renewal of a single lease; No; it left it entirely optional with the lessees to renew. It did more. The Act was founded on the recognition of the tenant's right to renew. By an express law it compelled the Commissioners to renew every lease which the tenant desired to renew. It vested the fee absolutely in the Commissioners for this purpose; and yet they were told that the present proposition, by which the tenant's right was abolished, found a precedent in that Act. This was said, though the present proposition was an unmitigated spoliation of the rights of the lessees. If this were done, he maintained that it was the first time in the history of England that such a principle had been acted upon. Individuals might have done wrong to the public, but the public never before had remedied a public grievance at the expense of individuals. It was the proud boast of the country that on no occasion, and for no advantage, had individual sufferings or sacrifices been sanctioned by the Legislature. In that act of national atonement which had been accomplished with so much credit to the country, he meant the emancipation of the negro slaves, nothing like this was attempted. Had the country then made an offering to humanity which cost it nothing? Did they in determining on the Emancipation of the slaves tell the holders of such property that "they had no legal right—that no Act of Parliament vested such property in them." No, but they passed the Act of Emancipation, and in so doing they sacrificed 20,000,000*l.* They declared the great principle that they would not remedy a public wrong by injustice to any individual. This principle however, was now to be violated—it was to be done so for the first time—it was to bed one without precedent—it was to be done without reason, and it was to be done, as he thought, without the prospect of attaining any great public advantage. It was admitted that this property belonged to the Church, and the hon. Gentleman opposite said that all future improvements would be merely for the protection of the Church, and yet they proposed to transfer the profits of these improvements to the state. They said that the present state of things tended to the prejudice of the Church, and they altered it; but they put the proceeds, not into the pockets of the Church, but into those of the State. But if it were true that there was a surplus of Church property, had they not a population without religious instruction, and were they not in the first place to provide them with religious instruction? He wished to speak of the Dissenters with the utmost respect; but when they heard of the conscientious scruples of the Dissenters to contribute to the payment of a national Church, was it not reasonable that they should pay some attention to the—he would call it if they wished the conscientious scruples—but as he thought the conscientious opinions, of the members of the Established Church? Were they not to have any conscientious scruples about permitting the introduction of a principle which involved the principle of a Church Establishment? He was sure that hon. Gentlemen opposite did not mean to say, that the Church of England was so impure or unholy, that to contribute to its maintenance would be contamination; but when members of the Church of England heard these doctrines asserted—when they were told that certain classes of persons would not pay what they were legally bound to pay, and what morally they were liable to pay—when they heard these strange and unintelligible scruples, they must think that, by those persons, the national Church was considered a nuisance. The House ought to look to the motives of those who introduced this Bill, and the declarations of those who supported it. He had heard, with great pleasure, the frank and manly avowal of opinion made by the right hon. Gentlemen the Chancellor of the Exchequer, and the noble Lord (Howick); but he would ask, how many of those who supported the measure, concurred in the sentiments of the right hon. Gentleman who introduced it? There was not a single assenting cheer to express concurrence when it was proposed. No single individual on the opposition benches cheered when the right hon. Gentleman, and the noble Lord, expressed their decided attachment to the Church of England, and their determination to support it. But there were cheers of exultation when a word escaped the right hon. Gentleman, which might even cast the shadow of discredit on that Church. What was the declared principle on which this measure was supported? It was this, and this only, that at present Dissenters are compelled to contribute to the support of the Church, and this measure is supposed to relieve them from that payment. This, which was the argument urged on the other side in support of this measure, formed in his mind, the strongest objection against it. He knew not what the principle of a national Church Establishment was, unless it was the necessity of an establishment supported by the nation, and out of the national funds. He could understand the question as to whether or not it was advisable to have a Church Establishment; but if they were to have a Church Establishment, that every member of the nation was liable to contribute to it, was as clear a proposition as any that could be imagined. He believed, that hon. Gentlemen opposite miscalculated the current and the strength of public opinion on this subject. He believed, that the Church of England was daily and hourly, by the increasing piety, purity, and exertions of its clergy, strengthening and extending. Though he could easily imagine that some hon. Members opposite would turn what he said into mockery and ridicule, yet he must say, that he believed that there was, in the hearts of the people of England, a feeling of attachment to the sacred edifices, which were so intimately bound up with their earliest recollections; that they had a feeling of attachment to the tomb-stones on which the names of their fathers were engraven, and beneath which they hoped one day that their own ashes would lie. If this feeling of attachment really existed, this was the time to show it. They must be prepared either to assert or to surrender the principle of the Church Establishment. Let them surrender it, if they would, for once and for ever, and they might be assured, that they were only giving the strongest encouragement to future aggression.

Lord *John Russell:* I assure you, Sir, that I should not interpose now, if I thought that I should be enabled to address the Committee at a later period of the evening; but I am anxious, as I naturally must be, after the many references that have been made to me personally, to state my opinion upon the subject under discussion. With respect to the tone in which this debate has been conducted, from the time when the right hon. Gentleman opposite brought it again under discussion, I have seen nothing of which there is any reason to complain. I must say, however, that the tone and nature of the argument that has been introduced, differs very widely from the nature of the course proposed. It has been said, and said upon high authority, and urged, as I shall presently show, by the right hon. Gentleman (Sir Robert Peel) himself, that this is a question which demands the interposition of the Legislature. It is said by those who advocate the cause of the Church, that the law in its present state is unsatisfactory, and that unless the law is made more capable of execution, we shall soon see a number of the churches falling into ruins. The hon. and learned Gentleman who has just sat down, among others, has objected to Church-rates, and has said that he does not wish to retain them; and yet, when we propose, on our part, merely to agree to a resolution which shall enable us to place a plan before the House in the shape of a Bill, the right hon. Gentleman (Sir R. Peel) and those who support him, say, "We allow there are objections to Church-rates; we allow the vexation they cause; we allow the heart-burnings; we allow the inefficiency; we do not deny any one of these things; we only say, that we will not permit you to bring a Bill into this House in order to enable you to explain your plan to the House." The resolution proposed will lead to this step; we only ask the House to bring in a Bill founded upon that resolution. The Bill, of course, will be regularly printed; it will wait for some time; it will be the subject of further discussion; and it may contain many of those provisions which the hon. and learned Gentleman says will be absolutely necessary, and of which he has chosen to suppose the absence; and because he has not seen the Bill, he will not allow us to bring it in, but supposes it will contain all the defects which he chooses to imagine. But, upon the other point, hon. Gentlemen opposite leave us equally in doubt. This Bill proposes to give a substitute for Church-rates, and we were told yesterday by a right hon. Gentleman, that if any fund can be obtained for this purpose, there are millions in want of spiritual instruction, and that to provide this spiritual instruction those funds ought to be devoted. But what say the hon. and learned Members for Exeter and Ripon? They say that we ought not to change the tenure; that it would be spoliation, not indeed of the Church, but of the lessees; and that it would be better to allow things to remain as they are. But we have a right to ask to be enlightened on some of these points. If you say that the present state of Church-rates is unsatisfactory, will you allow us to propose a substitute? If you like not this plan with respect to Church rates, either say that you will devote the surplus fund to the supply of instruction to the people, or that you will leave the lessees on their present footing. Are we to have no answer on these points, but merely general objections upon every possible ground, and a general negative of the resolution, leaving the whole subject as unsettled as it is now, and with every danger of its remaining unsettled? The right hon. Baronet was, some time ago in the year 1835, so anxious on this point, that when we brought in the Bill for the regulation of Municipal Corporations, he stated, "that the subject of Church-rates did not yield to any other in emergency; that it was, as far as any question, important in the maintenance of social harmony; that there was not a single question except that of the Irish Church, that pressed for such immediate practical settlement as the question of Church-rates." But the right hon. Baronet stated further, "that in consideration of the interests of the Church, for the satisfaction of a large body of the public, for the promotion of subordination and obedience to the law, the Government ought not to suffer the law respecting Church-rates to be made the theme of discussion at public meetings, and the subject of angry comment from parochial martyrs, for another twelve months." We have incurred the censure of the right hon. Baronet, not only for twelve months, but for, as I admit, two years that we have allowed this state of things to go on, and parochial martyrs to be sacrificed. But when now, at length, we bring in a plan, what is the result? The right hon. Baronet does not tell the House that our scheme is injudicious, and that he has another to propose, but he throws out certain suggestions as to the separation of Dissenters and Churchmen; and he is willing to make this distinction—that Dissenters in towns should not be obliged to pay, but that Dissenters in the country should be obliged to pay Church-rates; in other words, that the landed interest should be still burthened with the payment of Church-rates, but that the towns should be relieved. This was the suggestion of the right hon. Baronet. But it may be collected easily from these expressions, that the object is to leave the question in such a state that we shall not be able to bring in this Bill or any other; and that the question shall be left for future agitation and discontent. Before I proceed to other parts of the question on which the right hon. Baronet addressed the Committee on a former evening, I must allude to one point on which the right hon. Baronet did me the honour to quote, among others, what I said in this House. The right hon. Baronet introduced it in that part of his argument in which he endeavoured to show, that this plan is contrary to the principles of justice and sound policy. If the right hon. Baronet has shown that this plan is contrary to the principles of justice and sound policy; if it can be shown that it is inconsistent, as the hon. and learned Gentleman has said, with the nature of a Church Establishment, of course I must admit that the plan is not fit to be adopted by this House, and that all matters of calculation of profit and advantage must sink at once before this paramount objection. But in quoting what I said in this House—and I have no doubt that the right hon. Baronet quoted fairly what was reported—he hardly gave that sense to what I said, which, on some reflection, I am sure he will be induced to give. The right hon. Baronet supposed me to have laid down this proposition:—"That it is absolutely essential to a Church Establishment that the repairs of the church shall be defrayed either out of the general taxes, or by some special tax levied on the public for that purpose." That proposition, in the first place, is contrary to what I have myself supported respecting Ireland. It is contrary to the declarations of my noble Friend on the opposite bench (Lord Stanley). But not only is it contrary to his declarations, but it is contrary to the declarations of the right hon. Gentlemen, the Members for the Universities of Cambridge and Dublin. The right hon. Gentleman, the Member for the University of Dublin, maintained with us the principle of this Bill with respect to Ireland. We have been reminded to-night of the United Church of England and Ireland, because it suits the purposes of the night. That right hon. Gentleman admitted that on the part of the united Church, it was fit that Church-cess should be altogether abolished; and the right hon. Gentleman also said, that there was this difference between Church-cess and tithes, that the tithes depended on the statutes, and the Church-cess might be refused by the victims. Now, I cannot be supposed, with respect to a Church Establishment, to go the length of the right hon. Gentleman and the others on his side of the House, but I must ask, does it stand to reason, or can any one presume, that if the Church had three, or four, or five millions, in addition to its present endowment, that still it would be necessary, for the purpose of a Church Establishment, that there should be a special tax to meet the expenses of the repairs of the fabric of the church? This was the meaning which hon. Gentlemen opposite attempted to fix on what I have said. I am ready, however, to declare the full extent of what I really did say. What I intended to say was this, that "it was the duty of the State, in maintaining a Church Establishment, to provide for the repairs of that church." And I said, moreover, with respect to the Established Church of England, that "if Church-rates were to be abolished, and the repairs of the church were to be provided for out of the public funds, I did not think that these funds could be provided out of the revenues of the Church." This was my opinion on the subject; it was my opinion respecting a question of fact, and I urged it in opposition to what was continually pressed upon me by many Dissenters in this House. When the hon. Member for Middlesex (Mr. Hume) stated that the revenues of the deans and chapters were sufficient to provide a substitute for Church-rates, I said, in opposition to that proposition, that I thought those revenues were not sufficient. But I added, that any surplus that might be obtained by diminishing the expenses of bishops, and deans, and chapters, should be, and might properly be, applied to the increase of small livings and the augmentation of spiritual instruction; and that I thought there would not be a sufficient surplus as a substitute for Church-rates. But is there any thing to prevent me changing my opinion if I find that greater sums can be obtained from an improved mode of collecting the property of the Church; when I find that there is sufficient for all the objects of the Church, giving to the Church that revenue which is necessary for its bishops, giving that revenue which is necessary for deans and chapters, and giving three millions to the parochial clergy —when I find, upon farther and more correct inquiry, that this is the case, is there anything inconsistent in my changing my opinion? Now I have begun on this part of the subject, I will argue a little further as to what the Church Commissioners propose with respect to that surplus of 130,000*l.* What I say is this; the surplus obtained, supposing it to be obtained, from this revenue of Church lands, is to secure peace and harmony in the country by the abolition of Church-rates. The Commissioners say that this sum of 130,000*l.* a year may be given to the promotion of religious instruction in the country. But it was argued by the hon. Member for Weymouth (Mr. F. Buxton), who spoke last night, that there were matters of more pressing urgency which demanded a greater supply from the funds of the Church. The Commissioners say, we think that the sums we propose could be given to the maintenance of the sees; and they recommend that not less than 15,000*l.* a year should be given to the Archbishop of Canterbury; that not less than 10,000*l.* a year should be given to the Bishop of London; and they think that these sums should be given for the sake of supporting the dignity of the Church, and for the maintenance of the hierarchy. They would reserve no greater surplus to supply the spiritual demands of the people. The Commissioners calculate the probable extent of the fund applicable to the purpose of increasing the provision for the parochial clergy, at not less than 30,000*l.*; and they say:—"The alterations which we have proposed, with respect both to the arrangement of dioceses and the constitution of deans and chapters, appear to us to render it expedient that a change should be made in the exercise of the patronage which is now vested in the last-mentioned bodies. We recommend that such regulations should be adopted as may leave it in the power of deans and chapters, under certain restrictions, to give preferment to the members of their own body, and to the minor canons, who may reasonably look to them for reward after a certain period of service; and that where a presentation to any benefice in their gift is not required for these purposes, it should pass, in some cases, to the Crown, and in others to the bishop of the diocese, in which either the cathedral or the benefice may be respectively situate." I think, Sir, I have shown, that with respect to the matter of the spiritual demands of what I am told are two millions of the people, though the Church Commissioners thought it right to provide for that, yet, in the first place, they did not think it right to trench on what was due to the dignity of the hierarchy of this country; and, in the second place, they did not think it right to trench on what was due to the patronage of the Crown, and of the bishops, and the expectations of the clergy. Why, if this was the opinion of the Church Commissioners—and I humbly bowed to their opinion—if it was their opinion that the demands for spiritual instruction were great, but great as they were they should be postponed for the sake of providing what might be considered a munificent income for the hierarchy—if the Church Commissioners say this, is it not to be permitted to us, simple as we are, while we admit that the spiritual demands for the instruction of these uninstructed millions are great, also to feel that the demands which are made on us for the establishment of religious peace are of a most urgent description, and that we are as fully entitled to provide for that object as the Church Commissioners were entitled to provide for the dignity of the hierarchy and the patronage of the clergy? But I venture to say, with regard to the justice of the principle, we have left, and propose to leave, everything that is thought necessary to be provided for the immediate wants of the Church: we have left about three millions and a half of the revenues of the Church to be disposed of in the manner, as to income, which the heads of the Church thought necessary. But if a new or increased income can be provided, are we not to avail ourselves of that new income to provide against that which proclaims itself aloud as a grievance to the State, whether or not it be a grievance to the Dissenters? Having spoken of this preliminary objection on a point of principle, I will now speak of the plan, as I think it will affect the various interests of the Church; and fearful as I am of detaining and fatiguing the House, I must beg to be allowed to advert to the general principle on which I consider the proposed Bill to have been framed. In a country like this, where there is an Established Church, but where there is likewise established, as was very properly said by Lord Mansfield, "freedom for the Dissenter," it is right, in my opinion, in the first place, to take care that the revenues of the Church should be kept as clear as possible from bringing the clergy into collision and quarrel with those who have to make the payments; and with respect to the Dissenter, it was right to give him every opportunity of carrying on his religious worship without being excited to hostile feelings against the Establishment. I say, that the furtherance of those principles is essential for the interests of the Church and those of the Dissenter alike. These are principles which tend to make the Church secure, and tend to make the Dissenter free; these are principles which tend to make both the Church and the Dissenter unite in the promotion of the Christian religion, and not interrupt their labours in this regard by unseemly quarrels and disturbances. Now, my hon. Friend, the Member for Oxford, will tell me whether (I don't expect him to agree to the plan I propose)—but he will tell me whether there is anything wrong, or destructive, or hostile to religion, in entertaining such a project? With these objects in view, it was our care last year, to endeavour to make such a settlement of tithes as would leave the clergyman no longer to dispute his income with the farmers or occupiers, but it would give him the opportunity of settling fairly with the occupiers of land. With the same view an attempt was made to allow the Dissenter to register the birth of his child, or to perform the marriage ceremony in his own chapel, without being compelled to have recourse to the Church. Those Bills were both in furtherance of this object; and in furtherance of the same object is the measure we now propose, which, by providing for the repair of the churches in a different manner from at present, will prevent those assemblies and vestries, throughout the country, where the Dissenter attacks the Church, where the Dissenter is supported by the Churchman who wishes to save his money, and where, in the first place, angry feelings are excited, and, in the second place, the church is too frequently left without the means of repair. Let it not be said, that this is only the case in those town parishes in which great contests have arisen. I find in a pamphlet which maintains a principle very different from that of this Bill, which maintains that the law ought to be strengthened, a similar statement made by an archdeacon fully qualified to speak to that point. The pamphlet described the difficulties experienced in several rural districts in attempts to get vestries to make Church-rates. To the same effect I have a letter, in which the writer states, that though persons in the country are ready to sign petitions against the abolition of Church-rates, yet the Churches are in so bad a state of repair, that the gentry in the neighbourhood dread having to visit them in the winter season. I now come to that portion of the speech of the right hon. Baronet, to which I shall advert but shortly—I mean that part of his speech in which he asserted that this measure would fail as regarded the financial calculations on which it was founded. I shall leave the task of replying more fully to those objections, to my right hon. Friend who proposed the plan; but I may be allowed to say, the statements of the right hon. Baronet did not give me much reason to doubt the soundness of my right hon. Friend's calculations. One statement of the right hon. Baronet, on which he laid considerable stress was, that the sum of 30,000*l.* would be required for the management of this property, and the right hon. Baronet proposed to add that to the demands on the fund; but he forgot that Church property is now subject to a considerable expense for management; the number of clerks and other officers now employed, rendered the expense probably much greater at present than it would be under the proposed Bills. In the see of Durham alone, the expense of management is 2,000*l.* a year; so that instead of a large charge on that account, according to the reckoning of the right hon. Baronet, there is every probability that we shall derive from that source alone a considerable sum. The right hon. Baronet has expressed his doubts of the sum being as great as it has been estimated, because it may not be twenty-four years' deferred annuity, but an annuity deferred for thirty years. If, however, 260*l.* represents an annuity deferred for twenty-four years, it must be a greater sum that represents an annuity deferred for thirty years. I know, with respect to the Irish Church Act, that it was stated by my noble Friend opposite (Lord Stanley), that 1*l.* claimed at the time, represents what would be 5*l.* at the end of twenty-one years; but if this annuity came into operation at the end of two or three years, the 1*l.* would represent a sum much less, and if it came into operation at the end of a term exceeding twenty-one years, of course it would represent a sum greater. If the annuity were deferred for only five years, the sum a person would advance at present would be greater in proportion to the whole sum. The result of the calculations made, was, that if it were deferred for thirty years, this sum of 260,000*l.* would represent, instead of 1,300,000*l.*, 1,986,000*l.*, and instead of a surplus of 250,000*l.*, my right hon. Friend would have a surplus of upwards of 300,000*l.* I think I am entitled to say, after this, that we ought not to bow all at once to the right hon. Gentleman's authority. Let us rather allow this Bill to be gone into; let the House allow Mr. Finlayson to be heard on the other side; and do not let us conclude at once that the Chancellor of the Exchequer, and the Treasury, and Mr. Finlayson, all are wrong in their calculations. Grant these parties a hearing before you decide that their calculations must be erroneous. I come now to that part of the plan which affects the whole measure: I mean that part which affects the Church lessees. The right hon. Gentleman (Mr. Goulburn) said last night, as has been said with a sneer in another place, that he could not imagine where the surplus, where the "*hereditas jacens*," as he called it—a phrase I have now for the first time learnt the use of—could have been discovered by my right hon. Friend. If the right hon. Gentleman had applied to the noble Lord sitting next to him (Lord Stanley), he could, no doubt, have enlightened the right hon. Gentleman on the subject. The noble Lord would have recollected having produced a plan to this House, by which he informed the House he would realise not less than 3,000,000*l.* of the value of the Church property in Ireland. But whether that sum was exactly the sum or not, that a considerable sum may be realised by a different tenure of property, I think no man can entertain a doubt. I am, however, almost ashamed to speak on this point, after what fell from the hon. Member for East Retford, on the same subject last night. If a man holds property which he is obliged to surrender at the expiration of any life, or at the end of seven or thirty years, and if he can change that holding into a tenure equivalent to a freehold, on which he may plant or build as he pleases, there is a new value created, which is a value to the person who possesses the property and to the person who occupies it. If it were not so, I really know not what would be the value of so many properties that have been held on mortmain, and enfranchised. We have a familiar illustration of the argument in the case of a person, who, not having a freehold, plants trees, and on the renewal of his term is obliged to pay for them, according to their value, when he cuts them down. But the right hon. Gentleman put, as an especial difficulty, some cases in which a great part of the land may be Church land, the rest being the lessee's own property. I am glad to be supplied by the right hon. Gentleman with that instance, because it enables me to point out, to a certain extent, what will be the beneficial working of these Bills. Their operation will be to enable a man who suffers, under that disagreeable tenure, part of his house and grounds being his own, and the other part only held under the Church, to convert the whole into freehold. In cases where an individual thus holds a portion of his lands upon the contingency, for example, of some old life dropping in, I think the power of thus converting his tenure, and escaping from all further inconvenience of the nature I allude to, forms, in itself, the best proof of the value of the arrangement we propose to the lessees. With respect to the right of obtaining some advantage from the lessee, I do not think that the hon. and learned Gentleman, or the right hon. Gentleman, can either of them make out that we are not entitled to ask some advantage from the lessee. I could state to the House many instances that have come to my own knowledge, in which those leases have fallen in, and in which the bishop has refused to renew, or in which he has put in a concurrent lease, and the original lease has been altogether destroyed. That right was exercised by the late Bishop of Ely; and while it exists, let no man tell me the lessees have the right of renewal. I have been told, on the authority of a solicitor in Durham, with respect to that county, that in 1790 the value of the Church land was equal almost to freehold property; but in consequence of the difficult terms of renewal which had been enforced, of late years, Church land sold for fifteen or sixteen years' purchase. It is clear that there has been a great change as regards the terms on which these leases are renewed; and are we not entitled to take advantage of the right of renewal to obtain the advantage we contemplate. But passing from the lessees, I come to the objection stated to the plan in a petition—a very fair and calm petition, I admit—from the University of Oxford. That petition objects to the situation in which the measure places the bishops. We are told that the bishops at present are in the enjoyment of property, and according to these Bills they may become mere annuitants; that we are bound to provide for the great interests of religion; and that the independence of the bishops cannot be impaired without danger to those interests themselves. This is certainly a subject well worthy the consideration of the House. Those who labour for the instruction of the University of Oxford, ought to have informed that learned, but somewhat tardy, University, of the nature of the Bill which passed last year. It is true, before the Act I have referred to passed, the bishops had the control, without restriction as to leases, of the property of the Church; and it might be argued, as was formerly argued by Mr. Burke, that there is no question here of more or less, but of absolute right. "The Bishop of Durham," it might be said, "possesses as clear a right to his property as any man of landed property in the kingdom, and we are no more entitled to inquire what his income is, than we have to inquire what is the income of the lay proprietors." This might have been the state of things formerly, but the Act of last year has placed the revenues of the see of Durham upon a different footing. The Bishop of Durham has been commanded by that Act to transfer the sum of 2,000*l.* a year to the see of Ripon, and another 11,000*l.* a year he is commanded to pay into the hands of the Church Commissioners; and then the new Bishop created by this Act, is to receive further an annuity of 2,200*l.* from the Church Commissioners. Now, what is the situation of these two Bishops? The one, out of a varying and precarious income, is bound to pay 11,000*l.* a year to the Church Commissioners; the other is, to all intents and purposes, an annuitant upon those Commissioners. The one of these Bishops is clearly an annuitant; whilst the other is not exactly in that situation, which, as regards his own interests, could be said to be a very easy or comfortable one. It will be observed, that if the incomes of the see of Durham were to be depreciated, and fall, through any fortuitous circumstances, to 4,000*l.*, 3,000*l.*, or even 1,000*l.* a year, the Bishop would still be obliged to pay over 11,000*l.* to the Church Commissioners, and 2,000*l.* a year to the Bishop of Ripon. This being the case, no one can tell me that this Bishop is in a position to have unlimited command over the property in hand, or to exercise, under all circumstances, his own free will and inclination in its disposal; for he may be obliged, when he would rather not do so, to renew leases which may fall in, under very disadvantageous circumstances, in order to meet this certain, unvarying, and imperative annual call. Say the Bishop's income amounts, on an average, to 19,000*l.* a year; out of this he has to pay 11,000*l.*, reserving the other 8,000*l.* for himself. But if, instead of taking the chance of the lives which fall in, by which in one year he might get 22,000*l.*, and in another only 10,000*l.*, we say to him, "we will take care that you shall always receive 19,000*l.*, out of which you may with regularity meet the demand against you of 11,000*l.* a year, and with as much certainty reserve the 8,000*l.* a year to yourself;"—I say, that if we were to do this, so far from doing an injury to the Bishop of Durham, we should be conferring a great benefit upon him, by attaching a greater degree of certainty to his income—I say, as things now stand, the principle upon which the bishops receive their income is all desirable. I think the example of a bishop arrived at old age, and being afraid of leaving his family unprovided for; and the example of a bishop with a young life, who is desirous of running that life against lives of lessees, putting in the lives of nephews and nieces on the one hand, or himself on the other, compose a spectacle which does not tend to elevate the character or increase the respectability of the Church. So much with regard to the character of this measure as it regards the bishops. With respect to the management of the property of the Church, the Commission which we propose to appoint, will consist in the majority of members of the Church; whilst, at the same time, I admit that the management of the landed property of the Church will be mainly conducted by the three lay Commissioners, who will be appointed for the purpose. Two of these Commissioners will be appointed by the Crown, the other by the Church. Now, if it had been proposed to me, that, instead of this, two of the Commissioners should be appointed by the Church, and one only by the Crown, I should have been quite ready to listen and accede to that alteration. But in order to do that, it is necessary that we should have the Bill, and that we should go into Committee upon it. I repeat, that I am quite ready to assent to any alterations in the details of the measure which, on consideration, may be deemed advisable; but before I can accede to anything of the kind, we must have the Bill in our hands on which we propose to introduce these alterations. The hon. Member for East Retford assures me, that after having belonged to the Church Commission, I have made an utensil of the Church. I, on the other hand, must rather say, that the Church Commission has made an utensil of me. We went into the Commission upon this subject, in conjunction with the prelates of the Church who formed part of it, with the full desire and intention of listening to all the plans for the reform of the Church which they could suggest, with a sincere wish, whilst we directed our attention to the correction of abuses in that Establishment, to do so in a way as compatible as possible with the views and sentiments of its Prelates. I gave my consent to the propositions which were then agreed upon, but, at the same time, I must remark, that those propositions were more theirs than mine. And I must take this opportunity of remarking, in answer to what fell from the hon. Member for Weymouth, what the members of the Church Commission know full well, that I said I should have been desirous that no prebend should receive more than 4,000*l*., and that no canon should have more than 2,000*l*. a-year. But whilst this was my own opinion, I was willing, nevertheless, to adopt the scheme for the reform of certain abuses which was framed by the Commission. I proposed that scheme to the House, and when the hon. Member for Middlesex warned me that by acting thus I was ruining the prospects of the Ministry to which I belong, I told him that, regardless of consequences, I had adopted that measure, and that I was determined to stand or fall by it, conceiving the honour of the Administration to be involved in it. In doing this are we to be accused of having ill-treated the Church Commission? On the contrary, we showed ourselves ready to experience and to brave some obloquy if, in concurrence with the heads of the Church, we could pass some measure calculated to be of real and efficient service to the best interest of the Church. It has been suggested by the hon. Member for Weymouth, and by other hon. Gentlemen opposite, that even if we can fairly procure the surplus we look to by means of a better management of Church property, it would be desirable to apply it to the increase of the means of spiritual instruction throughout the country. I am fully aware of the importance of the object here alluded to, and I am ready to concert the adoption of any measure by which the spread of spiritual instruction may be promoted. At the same time, however, I am somewhat in doubt as to the efficiency of any plan which should go no further than to the building of churches and the placing of ministers in their pulpits. In addition to this we must have that means of instruction which conveys it from home to home, from door to door, before we can be said to have made the blessing of that instruction generally available. Of the importance of this instruction I am fully aware, and that large numbers of the population throughout the country are now without it I am ready to admit. But at the same time I must say, that the most pressing want which we have to look to just now is the establishment of a feeling of peace and concord between the Church and the people. My belief is, that if that feeling of good will were once established, we should not long stand in the want of the means of affording spiritual instruction to the whole population of the kingdom. I am glad when I see this spiritual instruction given by the Church, and I likewise rejoice when I see it extended by the Dissenters. Now, as to the opinion of the Dissenters upon this subject, there are some who say, "We object to any claim made on behalf of an Established Church for pecuniary support from the general body of the State." With that view of the case, as I have always said, I entirely disagree. At the same time, there are those who say, that they are quite ready to admit of any proposals for the improved management of the affairs of the Church, as in tithes and so forth, but that being already burdened by heavy expense, they think that the property of the Church is sufficient for all its necessities, and fully adequate, amongst the rest, to keeping in repair the edifices of the establishment. In my opinion this position of the Dissenters is a fair and reasonable one; and I will not forego the passing of a measure which goes to acquiesce in so reasonable a demand, a measure so likely to establish religious peace throughout the country, because I may be taunted with endeavouring to count the suffrages and support of the Dissenters of this country. I have always had the highest respect for the Dissenters of this country, and I do say, that, putting aside all political differences which may arise on many subjects between us, in their efforts to promote religious instruction in quarters where it has been most wanted, they have been most unremitting, and in the highest degree serviceable; their efforts have been extended to afford the sublime hope of religious inspiration to men heretofore of grovelling intellects, and to create a nobler and more elevated character in men of rude and wilful passions. For services like these in the cause of humanity the Dissenters are entitled to the regard and respect of every member of the community—of every man who has at heart the improvement of his species and the social character of the community to which he belongs. I rejoice, therefore, when consistently with the maintenance of the Established Church upon its present footing, and of all its just rights—consistently with the splendour and pomp of its hierarchies—I am able to accord relief to these excellent and truehearted Dissenters in a case of which they have long complained, and on which they are bent on obtaining redress. I do so the more readily because I am convinced this measure which I now advocate may be the means of laying the foundation of a better order of things—an order of things in which we shall no longer hear the Churchman say, that the only object of the Dissenter is to distress and ruin the Church Establishment, and the Dissenter, on the other hand, assert, that the great object of the Churchman is to degrade and insult the Dissenters — an order of things in which, with better sympathies for one another, unfettered by prejudices and jealousy of feeling, both Dissenters and Churchmen may meet on the one common ground on which they do not differ in opinion, and, pursuing uninterruptedly their career of usefulness, may contribute not only to the spread of religion, but to the general peace and concord of this country, and to the uniting together of the hearts of all his Majesty's subjects.

The Chairman reported progress, and the Committee was ordered to sit again.

The House resumed.

MUNICIPAL CORPORATIONS (SCOTLAND).] Mr. *R. Steuart* moved for leave to bring in a Bill, for the better regulation of the Municipal Corporations of Scotland. If the motion were agreed to, it was not his intention to press the Bill through all its further stages till after the holidays.

Sir *W. Rae* objected to this mode of proceeding in Bills of this sort, as being extremely inconvenient.

Lord *Stormont* also objected to the introduction of the Bill to-night. So little attention was paid to the affairs of Scotland by this House, that it had become proverbial, that Scotch Bills were never introduced till after one o'clock in the morning.

Sir *George Clerk* moved, that the House do adjourn. Ayes 27; Noes 43: Majority 16.

List of the AYES.

Alsager, Captain
Borthwick, P.
Bradshaw, J.
Brotherton, J.
Buller, Sir J. Y.
Egerton, Sir P.
Egerton, Lord F.
Fancourt, Major
Finch, G.
Fleming, J.
Freshfield, J. W.
Goulburn, rt. hon. H.
Hamilton, G. A.
Herries, rt. hon. J. C.
Inglis, Sir R. H.
Patten, J. W.
Peel, rt. hon. Sir R.
Praed, W. M.
Ross, C.
Sibthorp, Colonel
Stanley, Lord
Stormont, Lord
Tollemache, hon. A. G.
Trench, Sir F.
Trevor, hon. G. R.
Vesey, hon. T.
Wilbraham, hon. B.

TELLERS.

Clerk, Sir G.
Rae, rt. hon. Sir W.

List of the NOES.

Aglionby, H. A.
Attwood, T.
Baring, F.
Blake, M. J.
Bowes, J.
Campbell, Sir J.
Chalmers, P.
Gisborne, T.

Gordon, R.
Hastie, A.
Hinde, J. H.
Hobhouse, rt. hon. Sir J.
Hume, J.
Hutt, Wm.
Leader, J. T.
Maher, J.
Methuen, P.
Morpeth, Viscount
Musgrave, Sir R.
O'Connell, M. J.
O'Connell, Morgan
O'Ferrall, R. M.
Palmer, R.
Parker, J.
Pease, J.
Power, James
Price, Sir R.
Pryme, George
Rice, rt. hon. T. S.
Rippon, C.
Russell, Lord J.
Russell, Lord C.
Scrope, G. P.
Stanley, E. J.
Thompson, Colonel
Vigors, N. A.
Wallace, Robert
Warburton, H.
Wason, R.
Westenra, hon. H. R.
Williams, W. A.
Wilson, H.
Young, G. F.

TELLERS.

The Lord Advocate
Steuart, R.

Mr. *R. Steuart* said, after the division which had taken place, he would not persevere in bringing forward the Bill that night; but he trusted it would go forth who the parties were that prevented the discussion of business relating to Scotland.

Debate adjourned till Friday.

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HOUSE OF COMMONS,

Wednesday, March 15, 1837.

MINUTES.] Petitions presented. By several Hon. MEMBERS, from various places, against the Abolition of Church-rates. By Lord G. LENNOX, and other Hon. MEMBERS, from various places, for the Abolition of Church-rates.

PARLIAMENTARY AGENTS.] Lord *George Lennox*, in pursuance of the instructions he had received from the London and Brighton Railway Committee, begged to move that the Resolution of the House of the 20th of February, 1830, be now read. He would state to the House what had taken place in the Committee, and then leave it to them to decide in what manner they should treat it. A petition from Mr. Goldsmid had been referred to that Committee, and upon asking who appeared in support of it, the Committee were informed that the agent was Mr. Freshfield, jun.; and Mr. Freshfield being asked whether he was in partnership with his father, a Member of that House, replied, that he was in partnership with his father in general business, but not in Parliamentary business, or as regarded this particular case. The Committee had directed him to bring the subject under the notice of the House.

The Resolution having been read by the clerk, that no Member of the House be permitted to engage, either directly or indirectly, in the management of private Bills before Committees of that House for pecuniary reward.

Mr. *Freshfield* thanked the noble Lord for the courteous manner in which he brought the subject under the consideration of the House; but there was no mode in which such a subject could come before Parliament which must not of necessity occasion regret and pain—regret that the time of the House should be occupied with anything that merely concerned him as an individual, and pain that after he had had the honour of a seat in that House for three Parliaments, during which he had always refrained from forcing himself upon their notice, he should now feel compelled to solicit attention respecting a subject which involved his own personal conduct, and which, to say the least, imputed to him some obliquity of moral perception. It was supposed that he had acted in a manner inconsistent with a resolution of that House—a resolution which appeared to him to have no more to do with the relation in which he stood towards the individual referred to, than it could possibly have to do with the conduct, if he might take the liberty to say so, of the right hon. Gentleman then in the chair. There was no individual more distant or more remote than himself from any interest upon any question that could come before that House as a subject of Parliamentary inquiry. He understood the resolution to be, that no Member by himself or his partner should be engaged in soliciting any Bill before that or the other House of Parliament, for pecuniary reward or advantage. Could there be a shadow of doubt that the object of that resolution was to prevent Members of the House of Commons from acting as Parliamentary agents—that it was intended to embrace partners in Parliamentary business, but not partners in other transactions? That was the precise and just interpretation of the resolution; and as to the particular case now under the notice of the House, they would of course deal with it as they thought proper. His object was not to argue the question beyond what was barely necessary to its full explanation. He should simply state the facts, and then leave the House to deal with those facts as they might think proper. He most distinctly asserted that he had no interest, direct or indirect, in soliciting, managing, or conducting any private business before that or the other House of Parliament. When he was first returned to Parliament, in 1830, he lost not a moment—he did not wait even till his return to London, but wrote to town for the purpose of directing an arrangement to be made by which his son, and his son only, should derive any of the profits arising from Parliamentary business. Although he remained in partnership with his son in general business, yet from any participation in any Parliamentary business he was wholly separated and removed.—He directed that the accounts should be kept quite separate, and that the profits of all Parliamentary business should be taken by his son for his own separate and individual use, and from that moment to the present he had never once interfered in any of the Parliamentary business with which his son was concerned. Let it not be supposed that such arrangements were unknown to professional men; they were, on the contrary, matters of every day occurrence; there was scarcely one large house in which arrangements of that sort had not at one time or other taken place. Nothing was more usual than that one partner should have no interest in the common law business, another no concern with the conveyancing department, a third no interference with the business of a particular family. In his own house, one of his sons was, and another was not, connected with him in the Bank of England. He and his sons were partners in general business, excluding one of them from the concerns of the Bank. They were partners in general business, he himself being excluded from Parliamentary concerns. By other Members of that House, who belonged to the same branch of the profession that he did, the same course was adopted. Mr. Henry Smith was solicitor to the East-India Company. From the moment he came into Parliament he disconnected himself from all Parliamentary business. Similar arrangements were made by Sir J. Graham, by Mr. Evan Folks, solicitor to the Audit-office, and by Mr. Jones, who was solicitor to the office of Woods and Forests. Without multiplying instances, he would ask, had any abuse arisen from the practice in which he had been one amongst many to follow? He begged permission to state what had been his own conduct in the matter. From the moment he entered Parliament he abstained from interference, direct or indirect, with any Parliamentary business conducted in his office. He asserted most solemnly, that no client had derived the slightest advantage from the circumstance of his being a member of Parliament, no client was ever permitted to hold any conversation or intercourse with him on any matter with which his son was professionally connected, and though he had presented petitions for gentlemen, who might have stopped him in the lobby, he had in no instance presented any petition, or so much as moved any of those Bills, through any one of their stages, in which his sons had the least interest. He kept himself completely distinct from any thing of the sort, and it thence frequently occurred that the progress of their business was delayed, but he strictly abstained from interference lest his taking any part in affairs of that nature should compromise his character as a Member of Parliament. He claimed most respectfully, but with the utmost confidence, that the House should give full reliance to the statement he was then making. He claimed it without assuming to himself a higher degree of sincerity or a more scrupulous regard to character than belonged to others; but he thought he might even claim that confidence without offering proof of his statement; but if any individual in that house entertained the slightest suspicion on the subject, or had any curiosity to gratify, he could inform that hon. Member that such was the state of business in his House—such the notoriety on the subject—such the information of the clerks in the House such the knowledge of official persons connected with both Houses of Parliament, that his statement if not literally accurate, might meet with instant contradiction. The observations which he was then taking the liberty of laying before the House, and which probably would appear in the papers of to-morrow morning, was one to which twenty persons in his own establishment could if it were unfounded, give a flat contradiction. The books of the House too, about which there was no mystery, would contradict him if he deviated in the least from the exact facts. He therefore asked—he provoked any Gentleman who felt the slightest interest in the matter, to move for a Committee of investigation, and by the decision of such Committee he was willing to stand or fall. He had recorded in the books of the

House, his withdrawal from any connexion with any Parliamentary concerns; that was a fact not only recorded in the books of the House, but within the knowledge of those employed by him and his partners, and known likewise to all those clients of the House whose affairs had the least reference to Parliamentary business. What mode was there of separating himself from such matters to which he had not resorted? If he had withdrawn altogether from professional pursuits, he should still feel a great interest in all that concerned the gentleman by whom the Parliamentary department was conducted. As the parent of that individual, would it be said that the indirect interest he felt was such as to disqualify him from being a Member of the House of Commons. He conceived that the resolution proposed to be read had reference only to direct interest and avowed partnership in Parliamentary business. He enjoyed none of the advantages which brought him within the scope of the resolution, nor by any possibility could any such advantage accrue to him; in fact, to what ever extent his house was concerned in Parliamentary business, he suffered rather a proportionate injury than a proportionate advantage. He need only add, that arrangements of this nature were so familiar to professional men, that there would be no difficulty in their understanding the distinction between partners engaged in general business and those whose union was limited to particular objects. A case was present to his recollection of a Gentleman, now a Member of that House, which might be offered in illustration. He was a banker, and so far as his banking business was concerned he was in partnership with a solicitor. Would it be said that the hon. Gentleman should be affected by the resolution because his partner in banking affairs solicited Bills in that House? He thanked them for the indulgence which they had shown him, but on the present occasion he desired no favour. If there existed the least suspicion or doubt with respect to his motives, he wished such feeling or opinion to be fairly and frankly expressed; a very short time would suffice to decide the question, and, whatever might be the decision of the House, to that he should willingly bow.

Mr. Freshfield having left the House,

The *Attorney-General* felt bound to offer his opinion to the House at once. It appeared to him that the hon. Member was taking unnecessary pains to vindicate himself. Because as soon as the hon. Member declared that he had no concern directly or indirectly with the business, it seemed to him quite clear that he could not be in the remotest degree implicated in the resolution that had been read. They were bound to give credit to the statement of any hon. Member, much more to the hon. Member who had just left the House, who, he must say, during the long period he had known him, had maintained that character that there was no hon. Member whose word could be more implicitly relied on, or who had a stricter or more delicate sense of honour.

Sir *F. Pollock* entirely concurred in what had fallen from his hon. and learned Friend. No Member of that House, either by himself or his partner, ought to participate in the profits of a Parliamentary agency. There never sat in that House an hon. Member more entitled to a higher share of confidence than the hon. Member for Penryn; and if the House was satisfied that what that hon. Member had stated was correct, it was clear that this case did not come within the spirit or the letter of the resolution. Having expressed his concurrence in what had been stated by his hon. and learned Friend opposite, and there being no motion before the House, he hoped the House, would now proceed to the other orders of the day.

Mr. *Roebuck* said, that this was one of the farces which they were occasionally in the habit of seeing performed in that House. It was impossible to come to any conclusion upon this that would be beneficial to the public. Constituents had it in their power to elect such Members as would be likely to serve them in Parliament faithfully; but to tell him that the hon. Member opposite could not feel any solicitude about the interest of his son, was just one of those extravagant suppositions that could not be tolerated any where but in the House of Commons. What he complained of was, that the House formed resolutions with the idea of reaching private interests, which it was impossible, and he thought that the best proceeding they could adopt would be to erase the resolution from their books altogether, and let all who could have a majority of their constituents have a seat in that House.

Mr. *Tooke* would not occupy the attention of the House more than a few minutes. There was no one who acquiesced more readily than himself in the satisfaction which the explanation of the hon. Gentleman had given; but he feared the influence which his respectability would have in contravening the spirit of the resolution; and he thought that some words should be added which would render it more simple, and make it impossible that influence respecting private Bills could be used. He had been in the same predicament as the hon. Gentleman when he first was elected a Member of that House; and he thought that the spirit of the resolution should prevent any interference whatever with the private business which might be before it: and he therefore dissolved a useful and valuable partnership, although it had been suggested to him that his connexion with it might still be continued, the parties having different offices from him. He, however, abandoned the idea; in fact, he had never entertained it; for he held it to be his duty not to engage in any business connected with that House which could in any way be productive of pecuniary profit to him; and he feared that if the doctrines of the Attorney-General and of the hon. Member for Huntingdon were received, that as some would not be actuated by the motives of the hon. Member for Penryn it would be productive of considerable mischief. He would now state in what manner the influence of a Member of Parliament was likely to prove so. He had during the summer received letters from several gentlemen, who stated that they had projected a line of railroad similar to that in question, but they considered that as the name of Mr. Freshfield, jun. was attached to this, there was no chance for them in any competition with him. For these reasons, therefore, and without any retrospective views, and entertaining, as he did, as much respect as any Member of that House for the hon. Gentleman the Member for Penryn, and disclaiming any personal or party motives, he considered it his duty to take the opinion of the House, and to move, if the resolution was not strong enough, the addition of such words as would make it so. It was impossible to draw such fine distinctions between persons whose business was conducted within the same House and walls by the same clerks, and who employed the same stationery in their general business. He thought that it was his duty to the profession to bring this matter before the House. He suggested that the following words be added to the resolution—"to be received by such Member, or any person standing in the relation of partner with him."

Mr. *Law* thought the hon. Member was bound to give notice of his intention to move an addition to the resolution. The only question now before the House was, whether or not the hon. Member who was particularly referred to had been guilty of an infraction of the rules and orders of the House. He thought that any one who had an opportunity of hearing the perfectly satisfactory explanation of that hon. Gentleman must be of opinion that his case did not fall within the terms or spirit of the orders of the House. In conclusion he would observe that if the hon. Member for Truro were to give a notice for the purpose of bringing the question regularly before the House, he should certainly give him his strongest opposition.

Mr. *Harvey* expressed his entire credence in the statements of the hon. Member for Penryn, and did not doubt that he had done everything in his power to escape the operation of the resolution of the House. Yet he denied that his conduct or character were any defence, however it might extenuate the course he had pursued. It was idle to say, looking at the words of the resolution, that the partner of a Member of Parliament could conduct Parliamentary business, nor could the learned Member complain of it, for he had entered the House since its enactment. But as regarded himself the case was as different as it was vindictive, oppressive, and cruel. Parliamentary business had been for years his principal professional pursuits; by it he was realizing upwards of 2,000*l.* a-year, with rapidly improving prospects; and his constituents well knew and approved his engagements. But it had been his lot, through the whole of his political life, to be opposed to the two great political factions, who with all their enmity to each other, cordially concurred in every Act which might annoy, distress, plunder, and destroy their opponents. Honesty was obnoxious to both. He should like to ask, what would be the course pursued if he had acted as the hon.

Member for Penryn has acted? Would a troop of practising barristers have started forth to justify his conduct, and extol his character? oh, no! we should have high sounding denunciations of the practice, and the obligation of preserving the order of the House. Those learned Gentlemen were keen scented; they well knew that the hon. Member for Penryn was solicitor to the Bank, and that his house tried many causes in the courts of law, and instituted many suits in the Court of Chancery. These Gentlemen were consistent in their persecution; more than one of them had disinterestedly voted to deprive him of his profession at the bar, and they would now readily rob him in another way. But he had not given them the chance of so acting. For cruel and persecuting as he felt the resolution to be in his case, yet bowing to the decision of Parliament, and respecting its Members, he resolved never to do anything at variance with its orders. The moment, therefore, the resolution of February, 1830, passed the House, he dissolved a valuable connexion, and declined all arrangements by which future emoluments might be secured. It is true that the hon. Member, at whose immediate instance the resolution was adopted, congratulated him upon it, as it proclaimed to the world that he was engaged as a Parliamentary agent, and suggested the facility by which the resolution might be evaded. But he declined to take the advice—it might correspond with the virtue of a man qualified to be a Peer as he had since become, but it was totally at variance with his notions of justice and honour. Yet this did not alter the oppressive conduct of which he had been the victim, and he congratulated those hon. Gentlemen who had sanctione dthe resolution upon seeing him amongst them, to expose their political and personal persecution, for though they had plundered they had not been able to crush him. He trusted the hon. Member would persevere, so that the resolution might be repealed, as it ought to be, or rendered efficient to its object.

Mr. *Tooke*, not wishing to prolong the period for the discussion of the important matter that stood for to-night, would move that the further consideration of this subject be adjourned to Thursday, the 6th of April.

Mr. *Goulburn* would put it to the hon. Member for Truro whether that was an advisable course to pursue? If the hon. Member opposite intended to propose any new resolution upon the subject, it would be proper the discussion should be adjourned, in order that ample time might be given for its consideration; but the first question the House had to consider and decide was, had the hon. Member for Penryn violated any order of that House? Now, it had been admitted on all sides that the word of the hon. Member himself was sufficient to exculpate him fully, and it appeared to him that the declaration of the hon. Member set the question at rest. The House was called upon to come to some declaration upon the subject.

Debate adjourned.

CHURCH RATES—ADJOURNED DEBATE.] On the Order of the Day being read for resuming the debate.

Mr. *Gisborne* said, that the righ t hon. Baronet the Member for Tamworth had the other night complained of what he called the ungenerous allusion made by some members to the course pursued by the noble Lord the Member for North Lancashire, relative to the temporalities of the Irish Church. Now he was not aware that an ungenerous allusion had been made in any way to that noble Lord. The allusion was not made to taunt the noble Lord nor any hon. Member; but it so happened that the proposition which the noble Lord on that occasion laid down, not with regard only to the Church of Ireland, but generally, was identically the same as that on which the resolutions were founded. That proposition was, that the State had the right of stepping in between the lessors and lessees of Church property, and if the State could give an additional value to that property which the Church could not give, then the State had the right to apply the surplus to secular purposes. That was the principle laid down by the noble Lord, and when he gave up the 147th clause of the Irish Tithe Bill he did not give up that principle, and the House dealt with the surplus as they judged proper. He approved of such a principle, because he was convinced that all Church property which was not absolutely defined by law or set apart expressly for the payment of the clergy was the property of the State. Formerly both Church and State acted on the principle that the tenth of all property on the surface of the earth, as well as all Church lands, ought to be applied to no other purposes but the religious services, and that for all futurity. That doctrine had been admitted by all states, but so difficult was it found to adhere to it, that posterity had been obliged either to restrict it by law, or violate it by force. In this country, both before and after the Reformation, the Legislature had been obliged to do both. The best defence of that doctrine that he had seen was in *The Quarterly Review*, but it was generally given up; and if the right hon. Gentleman the Chancellor of the Exchequer could, by any alchymy of his, create a surplus fund out of Church lands, or from any other source, it ought to be applied as a substitute for Church-rates. Church-rates now were given up; the right hon. Baronet proposed, that if it were found impossible to collect them generally, they should be paid by Church-men or levied only in country parishes. The hon. and learned Member for Exeter had given them up; the hon. and learned Member for Ripon had also given them up, though in many of the petitions presented to the House the petitioners seemed to think it almost a privilege and a franchise to be allowed to pay Church-rates. The Attorney-General had denied the legal right of vestries to levy Church-rates, and had challenged all the common and equity lawyers on the opposite side to disprove what he said. In fact, the payment of Church-rates had ceased. The calculations which had been made of the comparative numbers of Churchmen and Dissenters must necessarily be defective. There was a third or central party, of which no account was rendered. In Derbyshire many of the parishes were divided into townships, each having a Chapel, and some of them five and twenty miles from the mother Church. Now, the inhabitants of these townships felt it to be a great grievance that they had not only to repair their own Chapel, but to contribute to the repair of the mother, Church. The cases of Bakewell and Stockport were strong instances of the evil. Why apply money to build new Churches? It would be much better to repair and fill the old ones. However, if the Chancellor of the Exchequer could find the money, he (Mr. Gisborne) felt no difficulty as to the expediency of the measure which the right hon. Gentleman proposed. If the right hon Gentleman's calculations should unfortunately fail, he (Mr. Gisborne) was satisfied of the expediency of raising the money on other Church property, (for from no other property should it proceed), and applying it, as he had already observed, to keep up the old Churches rather than build new. The right hon. Member for Tamworth had appealed to the noblemen and gentlemen of the country against relieving their own estates from the burthen of Church-rates. He said that he was prepared so to relieve his own estate; and when he had done that, he was prepared to enter into a bond with the right hon. Baronet, and having got rid of the Church-rate on his property—whether on land, mines, or houses—calculated on the average of the last three years, he was prepared to enter into a bond with the right hon. Baronet to pay thirty years' purchase of those rates to any society having for its object the increase of Church accommodation, except a society, the name of which he did not remember, but which he would describe; he meant a society which, having got a large sum of the public money by virtue of the King's letter, quoted two Acts of Parliament as their justification for declaring that they would never apply any portion of that money to the building of any Church the patronage of which was not to be placed in the hands of the bishop. The right hon. Baronet talked also of the judgment of posterity. What would posterity say if they could address the present generation? "Take your hands out of the pockets of the Dissenters. If you cannot relieve them without also relieving your own estates, relieve your own estates; and then give ten times the amount for the support of your own Church. Who is to restrain you?" That is what posterity would say. There was a right hon. Gentleman who had given 1,000*l.* to the Church Building Society, and other sums to other societies of a similar description. Posterity would say to them, "Take off this pitiful tax, and go and do likewise." That would be the advice of posterity; and very good advice it was. It had been said, that a number of petitions had been presented against the abolition of the Church-rates. But were the petitioners aware of the real facts of the case? One of the petitions, he observed, was signed by some of the farmers of Tollyporcorner in Derbyshire. But had the farmers of Tollyporcorner been informed of the nature of the proposed plan? He was quite sure that if they had—he was quite sura that if the farmers of Tollyporcorner had been told that there was 20*l.* which would not come out of their or any other man's pockets, which could be got at only by the Legislature, and which would be applied to the repair of their Church—he was quite sure that if the farmers of Tollyporcorner had been told that, the farmers of Tollyporcorner would never have signed a petition against the abolition of Church-rates. He would not presume to advert to any thing that had taken place on the subject in the House of Lords. Indeed it was not necessary for him to do so. A meeting had been held in this town last week, composed of bishops, liberal and illiberal—

> " Black spirits and white,
> Blue spirits and grey,
> Mingle, mingle, mingle
> You that mingle may."

This meeting unanimously instructed the Archbishop of Canterbury and the Bishop of London to state to the House of Lords their determined opposition to the plan of his Majesty's Government: a plan not then before the House of Lords—hardly before the House of Commons, of which the latter had not got the calculations on which it was founded, and on the merits of which they had only heard one Minister of the Crown. Under such circumstances it was, in his opinion, highly indecent; but the meeting thought it highly discreet, to commission the Archbishop of Canterbury and the Bishop of London to make the communication which they had made to the other House of Parliament. Did he complain that liberal bishops should unite with illiberal bishops if they thought that it was for the interest of the Church they should do so? Far from it. But he complained of their entering into a vile cabal, and as contemptible as it was vile, for the purpose of upsetting a liberal Ministry and a liberal system of Government. Would any one tell him that the object of those bishops was not to influence a few votes in that House? A few only he was sure they would be able to influence. Had there ever been such a proceeding before, or any thing like it? The palpable object was to influence the decision of that House; at least until any other object could be pointed out to him he should believe that that was the object. He was persuaded, however, that this combination would turn out to be as contemptible as it was vile, and that it would totally fail in effecting its wishes. Although he had not exhausted the subject, he believed that he had exhausted himself. Notwithstanding the enmity of the bishops he should vote for the resolution, as the only means by which a certain sum of money could be obtained for the repair of the Churches, reserving to himself, however, the right to differ from the Chancellor of the Exchequer if he should think that right hon. Gentleman dealt hardly with the lessees. When changes were forced upon persons in that condition, the least that could be done was to deal liberally with them.

Mr. *Andrew Johnstone* rose for the purpose of moving the amendment to the motion before the House of which he had given notice, and which was to the following effect:—" That it is the opinion of this Committee that by a new system of management an increased value may be given to Church lands, and that with the funds to be thus obtained provision should be made for the supply of religious instruction where the same be found deficient in proportion to the population." He was not aware whether he was out of form in putting this amendment, but he was most anxious to have the opinion of the Committee on this point.

The *Chancellor of the Exchequer* as the person who had moved the original motion was not disposed to interfere with the conscientious feelings which dictated the amendment, though the hon. Gentleman might take the opinion of the Committee in a distinct shape upon the proposition which he meant to make. Neither would he ask his hon. Friend to take any steps which should place him to a disadvantage with reference to his own opinion. These were two points upon which he would not ask the hon. Gentleman to yield. But he would take the liberty of submitting to him whether, with a view to the convenience of the discussion which had now been carried on for three nights—without prejudice to himself or the opinions which he entertained, or the proposition which he was about to make, or the time and manner of advancing that proposition—the hon. Gentleman would not be disposed to acquiesce in the suggestion which he (the Chancellor of the Exchequer) ventured to throw out, that the Committee should at once proceed to the immediate object of debate; the hon. Gentleman giving his notice to move his resolution as an amendment when the matter before the House came to be reported. His hon. Friend would then have the full advantage of his proposition; he would lose nothing by adopting this course. If the hon. Gentleman asked him (the Chancellor of the Exchequer) what he was to gain by it, he would say that they had now some chance of coming to the conclusion of a debate, which had occupied three nights; whilst in this stage, if they allowed the introduction of a new question, the effect could only be to create difficulty, delay, and inconvenience.

Mr. *Andrew Johnstone* was at all times disposed to accede to the wish or opinion of his right hon. Friend the Chancellor of the Exchequer, but on the present occasion, he submitted, the point he was about to raise was not a new point, it had been fully debated, and would not interrupt the progress of the debate beyond the period which it would otherwise last; and if he gave way on the present occasion without being told that he was out of form, he should be in this painful position, that he should not be able to vote for or against the motion, and it was with real regret that he was compelled to proceed with his amendment. He should, therefore, feel it to be his duty to persevere.

The *Chancellor of the Exchequer* begged to observe, that he had put his proposal to the hon. Gentleman as a matter of courtesy, but he would now put his objection on a point of form. The right hon. Gentleman here adverted to the proceedings of the House when this subject was first introduced; the passage in the King's Speech referring to Church-rates was then read, and this resolution was then come to by the House—"Resolved that this House will, on Monday next, resolve itself into a Committee of the whole House to consider of the payment of Church-rates." That resolution was come to; and upon that resolution they were now engaged.

Mr. *Bernal* rose and said, that undoubtedly he could not say that this question came upon him by surprise that evening, because the hon. Member had told him a few minutes before he entered the House, of his intention to move this amendment. He had told him that he had a strong doubt, nay more than a doubt, that his amendment might not be regular; and he still thought so. He did not think that in a Committee of the whole House upon Church-rates, they could with propriety go to the question of appropriating the produce of Church lands to educational purposes; he saw no reason to depart from the opinion which he had formed. He thought the Committee would do well in considering this point as a preliminary to their proceeding to the debate on the resolution.

Mr. *Andrew Johnstone* expressed his willingness to submit to the decision of the Chair.

Mr. *Bernal* wished the Committee to agree to what he had suggested.

Lord *Stanley* said, it appeared to him that the hon. Gentleman was placed in a technical difficulty. He thought it would be extremely difficult for him to bring forward his resolution in the Committee, as an amendment on the proposition of his right hon. Friend; for this reason, that the object of the Committee was to inquire into the present mode of collection of Church-rates, and how far it was practicable to find a substitute for them, which substitute was proposed to be taken out of certain supposed surplus funds now the property of the Church. He was not going to enter at any length into this question, as it would be his duty to do so at a later period of the evening; but the amendment of his hon. Friend was to the effect that, for the purposes of such application, it was not legitimate (and in that opinion he concurred with him) to apply the proceeds of such revenues to this purpose. But if there were such surplus revenue as was anticipated by the Chancellor of the Exchequer, that spiritual revenue was applicable to the state of destitution to which the Established Church was admitted on all hands to be reduced at the present moment, with regard to the means for promoting education. He was himself strongly of opinion, that these funds were not so applicable; and it appeared to him that the only course which his hon. Friend had to pursue was this: to allow the discussion to go on. If the resolution of the Chancellor of the Exchequer went to apply these funds (a principle which his hon. Friend and himself thought an extremely objectionable one) to the proposition of the hon. Gentleman, he had no hesitation in saying he had no objection. Let them proceed, however, to inquire how, if there were any surplus revenue, it might be most beneficially applied to the means and object which his hon. Friend and himself had so much at heart. He thought his hon. Friend was out of order, and that they must proceed to the inquiry, whether by the proposition of the Chancellor of the Exchequer, Church-rates should be abolished by means of substituting a sufficient fund from another source. If that should be decided in the negative, then it would be for his hon. Friend to bring forward his proposition for a different application of the surplus revenues; and he had no hesitation in saying, (for he was not apt to blink his opinions), that if his hon. Friend would find the fund with justice, such an application of the fund would be most consonant with his own feelings.

Mr. Andrew Johnstone withdrew his amendment.

Viscount *Sandon:* The hon. Member for North Derbyshire (Mr. Gisborne), had attempted to cast a slur on some of the petitions which had been presented from various parts against the abolition of Church-rates, because they came from places, the names of which were not so pleasing to the ear, in point of euphony. as they might be; and that hon. Gentlemen, too, in talking of the farmers and others who had signed those petitions, asked whether they had been told the real state of the question—had they been told that the plan of the Government would not take one farthing out of their pockets? Now he would ask hon. Gentlemen on the other side, whether they ever made an objection to petitions coming from Ireland, praying for the abolition of tithes, or for the passing of the Irish Municipal Corporations Bill for Ireland, on account of the singularity of the names of the towns or places from whence they emanated? Again, he would ask, had those who petitioned against tithes been told what was the real state of the question at issue? Had they been told, that if tithes were abolished, that though they might not pay tithes in name, they would pay their amount in rent? So, in the instance of the Municipal Corporations Bill for Ireland, had the petitioners been made sensible of what was really the point at issue? What was the language of the hon. Member for North Derbyshire in reference to a meeting of prelates, on the subject of the intention of his Majesty's Government with respect to Church-rates? He had denounced that meeting of prelates as a vile cabal, and that it was as contemptible as it was vile! And for what? Why, for expressing their opinion in a manner which interested most deeply the permanent interests of that Church, of which they were the distinguished members; and the hon. Gentleman had said, that this was a cabal, raised for the purpose of turning out a liberal Ministry. How was that consistent with the declaration which preceded this denunciation of the prelates assembled at this meeting as a cabal, that it was a meeting of bishops of every party? Many of these right rev. prelates were bound to support the Government by ties of gratitude. Were the bishops, he would ask, to have their mouths closed on questions affecting the Church, if they did not agree with hon. Gentlemen opposite, many of whom did not hesitate to declare their hostility to Church-rates—many of whom had said in public, they would not rest till Church-rates were abolished? Were the bench of bishops not to speak on matters affecting the interests of the Church? Were they to sit with their hands before them, and their tongues tied, till the very Bill reached the House of Lords? He contended, that these venerable prelates discharged their duties to the Church, to which they belonged, most faithfully. And was it ever held or considered to be improper on the part of dissenting clergymen, or of the Dissenters' delegates, to express their opinions on questions connected with particular Bills on their passage through that House? Could they forget, that in the early part of the discussion on the Roman Catholic Emancipation measure, there were numerous meetings of Roman Catholic clergymen, as to the expediency or inexpediency of certain parts of the measure? Would any one complain of them, or charge them with being parties to a cabal? In the year 1834, hon. Gentlemen opposite carried a measure of this kind by a majority of two to one. They then received communications from the Dissenters, that they were dissatisfied, and those hon. Gentlemen immediately dropped the measure. When the objections of the Dissenters were made known, they were immediately attended to; but when the prelates of the Church objected to this proposition, how were they met? Why, by a declaration that this measure for abolishing Church-rates should be abolished in spite of their teeth. Was that fair dealing between the majority and minority? The hon. and learned Civilian, the Member for the Tower Hamlets, in the report to which he had been a party some few years since, had held that Church-rates were a burthen upon the parish, and in that opinion all ancient authorities concurred. He could not conceive that the plan now suggested offered the only means of getting out of the difficulty with which the question was surrounded, when he remembered, that only five years' ago it was proposed by the hon. Gentleman opposite, that Church-rates should be mingled with the Poor-rates. At all events, before a concession of this kind were made, the House ought to be satisfied that it would lead to a final settlement of the point at issue between the Dissenters and the Church. Supposing it to be granted, what security was there that a similar demand would not be made by the Dissenters to be freed from the payment of tithes? what security was there, that, in another year they should not be told, that Church lands were the property of the State, and therefore, that the Dissenters ought to participate in the proceeds of them? They were told, that the abolition of Church-cess was to put an end to all discontent and all difficulty in Ireland. Had there been less agitation in that country since?—had the security of the Church been increased?—had its opponents been less active in their endeavours to subvert it? He had not heard from any Gentleman in that House, neither from the hon. Member for Leeds (Mr. Baines), nor from the hon. Member for Boston (Mr. Wilks), nor from any other Gentleman, who immediately represented the dissenting body in Parliament, that the concession now proposed would lead to a final settlement of the point at issue. He had not heard from any one of them, that, supposing the measure were granted, they would cease to agitate the separation of Church and State. Looking at the proposition of the Government in a financial point of view, he had no doubt but that a considerable surplus might be obtained from Church lands by an improved mode of management; but, at the same time, he was far from acknowledging the correctness of the calculations made by the Chancellor of the Exchequer. In the great majority of cases he had no doubt but that it would be advantageous to the Church lessees to have their tenure turned into a freehold; but he was of opinion that the change ought not to be compulsory. He did not know what right Parliament had to compel an alteration of the tenure, which, though it would enrich some, might, at the same time, tend to impoverish others. However good the proposed change might be, it should be left to the voluntary adoption of the lessees, and not be forced upon them. He acknowledged that the rents derived from these lands were not a source of regular revenue for the bishops; they varied in amount from year to year, afforded temptation to the bishop to run his life against the lives of others, and in various points of view were calculated to place him in a disagreeable and often an invidious situation. But to correct that evil, did it follow that such a compulsory arrangement must be made as that now proposed by his Majesty's Government? He should be happy to see a commutation of Church tenures proceeding upon a voluntary system, left to the discretion of the lessees, and not merged in the hands of a central commission with arbitrary power, as a substitute for church-rates; but being of opinion that the value of Church lands might be enhanced, it did not follow that he was bound to acquiesce in the proposition of the Government as the only feasible mode of arrangement that could be adopted. But supposing that proposition to be adopted, and supposing a surplus to be obtained, did it follow that that surplus ought to be appropriated in the manner proposed, unless the right hon. Gentlemen opposite were disposed (and he fancied he had seen something like such a disposition in some of them last evening) to abandon altogether the Report to which they had attached their signatures, and in which they admitted the existence of an immense deficiency in the means of spiritual instruction throughout the country—a deficiency too large to be met by any money that they had at their command. Unless they were prepared to abandon that Report, he did not see how they could sanction or support any proposition for the alienation of a surplus of Church property to any other purpose than that of an increase of Church accommodation. The noble Lord, the Member for Northumberland, had declared (but the declaration was neither made nor echoed by any other Member of the Government) that if this measure were adopted, he would support the right hon. Baronet, the Member for Tamworth, (Sir Robert Peel) in an annual vote of money to supply the deficiency of spiritual instruction which the Commissioners had pointed out. But would the noble Lord, upon reflection, have the courage to come down to Parliament, and propose a vote out of the present taxation of the country for the increase of spiritual instruction at the very time that it appeared that the property of the Church, properly administered, was capable of producing a surplus that might be applied to that purpose infinitely greater than any sum that Parliament would be disposed to grant? He rested his opposition to this measure chiefly upon this ground—a ground conceded by the Government themselves—that there was an immense deficiency in the spiritual instruction of the country, and that that deficiency ought not to be left unsupplied. Therefore, if within the property of the Church, resources were discovered capable of producing a surplus after the first claims upon it were discharged, that surplus ought in justice and in right to be applied to the removal of the deficiency admitted by the right hon. Gentleman opposite, and regretted by every member of the Establishment.

Mr. *Baines* said, that it was not his intention to trespass long on the patience of the Committee, as he was aware there were upwards of twenty Gentlemen around him anxious to offer their observations upon the subject under consideration. He wished, however, to have the opportunity of explaining some points which had been frequently adverted to in the course of the debate; and he promised that he would at least give to hon. Gentlemen a clear and explicit view of those sentiments which he entertained upon the subject, but not, at the same time, describing himself or pretending to be the representative of any body of men except that body which he really represented—he meant his constituents. Having had the honour to present a large number of petitions upon this subject, and having, at the same time, had the opportunity of communicating with the petitioners since the plan of the Chancellor of the Exchequer had been brought under consideration, he was very happy in having it in his power to communicate to the House what appeared to him to be the sentiments of a large body of the people upon the plan. He thought he should have betrayed the trust reposed in him if he had not endeavoured to inform himself upon that point. Therefore he had taken measures to obtain that information with as much accuracy as he could from those influential persons who were likely to form a correct opinion of what the sentiments of other person of their own denomination were; and all the information he had acquired went to this point, hat with the plan of the Chancellor of the Exchequer there was perfect satisfaction. He ought, of course, to state that he had only communicated with those persons who had petitioned for the abolitiou of Church-rates; he had not had any opportunity of communicating very specifically with the opponents of such a measure; but every individual with whom he had conferred was of opinion that the plan marked out by the Chancellor of the Exchequer would be extremely conducive to the public peace and to the public interest. He found that those persons entertained the opinion that the plan introduced this year was very much in accordance with another subject which obtained a very prominent place in the discussions of last year—that was the Tithe Bill. They believed that the Chancellor of the Exchequer and the government with the noble Lord at its head in this House, had for their object to produce in the country that which all men were aiming at, though not all in the same way, and that was religious peace and concord. They saw a Bill introduced last year, having for its object to reconcile all those who paid tithes with the pastors of the Established Church who received them; and they therefore conceived that this was a measure in accordance with the same principle. A great deal of stress had been laid on the relative number of the petitions presented for and against Church-rates. He was ready to admit that the petitions were much more numerous on the part of those who opposed the abolition of Church-rates than on the part of those who were in favour of their abolition. But there was another ingredient to be taken into consideration, namely, the number of the signatures. According to the last return published by the House, which was made up to the 21st February, the number of petitions for the repeal of Church-rates was 458, and which were signed by 186,133 persons, while the number presented against their repeal was ninety-six at that time (a much greater number having since been presented). Which were signed by 6,606 persons; so that the majority of the petitioners up to the 21st of

February was 180,000 in favour of the Chancellor of the Exchequer's plan. Now, he admitted that since that time a considerable number of petitions adverse to that plan —if that could be said to be adverse to the plan (and he begged hon. Gentlemen opposite to mark the distinction) which arose out of the excitation that took place in this city before the plan was promulgated; for that was a true statement of the case. There was a meeting held in this city where the noble Lord the Member for Dorsetshire presided, at which meeting two things were represented to the assembled throng—one was, that the plan of the Chancellor of the Exchequer was intended to suffer the Churches throughout the country to go to decay, and the other was, that by that plan it was intended to rob the poor man of his sanctuary. Could any man deny that these were most extraordinary statements? He did not wish to use strong language towards any person, but he must say that these were gross and flagrant misrepresentations. He would ask whether petitions presented under such circumstances were entitled to much attention or consideration? He had heard a great deal about the violence of the language held by persons in what was called the National Association in Dublin; but he did not recollect at any time having heard language attributed to that Association of a more violent nature, or language more calculated to agitate the public mind, than the language which was held in the city of London, at a meeting over which the noble Lord the Member for Dorsetshire presided, and at which some hon. Gentlemen whom he had now the honour to address attended. Petitions signed under such circumstances did not express the genuine sentiments of the people. But it had been said that the Dissenters in this country were a very insignificant body. He was sorry not to see in his place the hon. Baronet the Member for the University of Oxford; because on the last occasion, when this subject was under discussion, he made this extraordinary declaration:—namely, that the Dissenters did not pay above one-fortieth part of the Church-rates. If not, what was the inference? Why all this contest? The sum asked for was only 250,000*l.*; the fortieth part of that was only 6,000*l.* Why have all this dispute when the sum required was only 6,000*l.*? But in reality the statement was an error. He did not wish to take advantage of any accidental mistake; but he was sure, on reflection, the hon. Baronet would find that that statement was a very strange misrepresentation of the fact. But there was another misrepresentation made by the hon. Baronet on that occasion of a nature so tangible that he had given himself the trouble to ascertain the state of religious instruction in the whole county, in order to bring himself acquainted with that fact. The hon. Baronet stated, that in the county of Lancaster there were not more than one-fourth of the people Dissenters, while three-fourths were attached to the Established Church. Now, in order to put this matter to the test, he had ascertained how many places of religious worship that county contained. That he might be perfectly accurate on the subject, he would read to the House the return he had obtained from the survey he had had made. It was this;—There were in the county of Lancaster, at the beginning of 1836, 340 Churches and Chapels connected with the Established Church. There were in the same county 489 Chapels belonging to Dissenters, and ninety-three Chapels belonging to the Roman Catholics, making together 582. The relative proportion then was, that there were 310 places of worship belonging to the Church, and 582 not belonging to the Church. His persuasion was, that if they were to compare the congregations they would for the most part find the proportion to be the same. In some places more persons went to the Church than to the Chapels of Dissenters or Catholics; but taking the county generally, he thought it would be found that the numbers going to the different places of worship were pretty nearly equal. So that instead of the proportion among those who availed themselves of the opportunity of attending public worship, being as four to one in favour of the Churchmen over Dissenters, the fact really was, that the proportion was five to three of Dissenters over Churchmen. Why did he make this statement? There was a Parliamentary Return on the subject, but it contained very erroneous statements, and he did not wish to avail himself of them. That return stated, that there were 1,100 places of religious worship in the county of Lancaster belonging to Dissenters; but there were not half that number. The return was extremely incorrect, and not to be relied upon. Having made the statement which had been furnished to him, he would explain to the House why he had made it. It was this:—They had had a comparison made between the number of Churchmen and Dissenters,—he knew not why, except it were for the purpose of detracting from the importance of the Dissenters; he supposed it was to show that they were an insignificant body, and that their claims did not require that attention which was generally insisted upon for them. Now, upon that point, he had adduced facts, in order to establish an opposite conclusion; and he pledged himself that the statement he had made, would bear the strictest investigation. The right hon. Member for the University of Cambridge had made a statement which a good deal surprised him, because it was so much at variance with the fact. The right hon. Gentleman had stated, in relation to the revenues of the Church, that there were in Manchester eighteen clergymen, and that those eighteen clergymen received only 2,700*l.* of revenue for their services. Now, what was the fact? Why, that there were clergymen belonging to one church only who received 6,000*l.* The right hon. Gentleman might have found the fact stated in the Report of the Commissioners for Ecclesiastical Inquiry, that there was a collegiate Church in Manchester receiving 6,000*l.* a year. Certainly one would expect that representations made by the right hon. Gentleman, as Member for the University of Cambridge, would be made with a greater regard to accuracy. Most unquestionably the statement of the right hon. Gentleman was altogether calculated to mislead the House—made, not with an intention to mislead, but in error; still he thought that some degree of reprehension must attach to the right hon. Gentleman for not having better informed himself upon the subject. Another statement made by the right hon. Gentleman was this: he said, that the population of Manchester consisted of 270,000 souls, and that there was only church accommodation for 40,000, thus leaving upwards of 200,000 persons without the means of obtaining religious instruction. Now, was that really the fact? The church accommodation perhaps was only what the right hon. Gentleman had stated, and that there were not means of affording religious instruction by the Church to more than 40,000 persons; but before drawing any inference from this, the inquiry ought to be made whether there were more people in Manchester who wished to receive that instruction from the Church. Because if they had Churches which were not filled, and if the estimate of the necessity of affording Church room were to be made, not from the number of persons who *might* go to church, but from the number who were *disposed* to go, the subject would appear before them in a very different light. But the right hon. Gentleman had left this consideration entirely out of view. Now he believed the fact to be, that although there was only church room for 40,000 persons, yet there was chapel room among the Dissenters for upwards of 60,000. He was rather the more disposed to meet this statement, because the right hon. Gentleman had said, that he (Mr. Baines), from some supposed religious principle, had made an observation calculated to detract from the necessity of erecting more churches. He had made no such observation. Let it be proved to him that more churches were wanted, and he would be the first to give his countenance and support to any measure to meet that want. Allusion had been also made to the fact that the inhabitants of Leeds were erecting a church at a cost of 12,000*l.* Now what he, on the occasion referred to, said was this: that he thought there was no reason to complain of the want of church room, not only in Leeds, for his observation was more extensive, but in the diocese of York, which had been particularly designated by the right hon. Baronet, the Member for Tamworth. But what was the fact with respect to Leeds? In the town of Leeds there were eight churches. Of these, two had congregations pretty nearly as large as the churches would contain; in four of them the congregations, he might fairly say, did not occupy three-fourths of the room which the churches afforded; while the two other churches were never half filled. Was there not, then, sufficient reason for him to say, that there existed no ground for any urgent complaint of the want of church room in Leeds? But then it was said, that the people of Leeds were building a new church at an expense of 12,000*l.* That was true; but why were they doing so? Because it was in a central part of the town where persons of some degree of distinction resided, and where, perhaps, that description of persons could not be so well accommodated. But if they were to go into the more densely populated part of the town, they would find church room enough. He hoped in making this statement, he had not made it offensively. Having disposed of these two points, which he was very anxious to dispose of, he would now proceed to dispose of a point which involved somewhat more of the question of Church-rates. It had been argued in this House, and by a right rev. Prelate in another place, that Church-rates were of great antiquity. The hon. Member for Oxford had stated over and over again that they were of higher antiquity than any Gentleman's title to the estates he now possessed. He did not deny the antiquity of Church-rates; but he did deny that the parishioners were called upon in ancient times to maintain the edifices of the Church. He contended that in former days the Church-rates were paid by the bishops out of the tithes; and that when they ceased to be paid by the bishops, they were then paid by the rectors. He saw hon. Gentlemen turn their heads away; but he would assure them that he did not make this statement on his own authority, but on the authority of the first ecclesiastical lawyer that ever had existed in this country. He was sure that the learned Civilian would agree with him, that no higher authority could be quoted on that subject, than Sir Simon Degge. Dr. Burn, quoting this learned authority, put the matter in this way:—" Anciently the bishop had the whole of the tithes of his diocese, a fourth part of which in every parish was to be applied to the repairs of the church; but upon a release of this interest to the rector, they (the bishops) were consequently acquitted of the repairs of the church. And by the canon law, the repair of the church belongeth to him who receiveth this fourth part. This is to the rector, and not to the parishioners." Instead, therefore, of the bishops having to repair the churches, the charge fell on the rectors. There was, however, another great authority on this subject, and he was rather anxious to communicate authorities, as the argument of authority had been much insisted on during the discussion. The authority he meant to quote was that of Mr. Justice Blackstone, who said:—" At the first establishment of parochial clergy, the tithes of the parish were distributed in a fourfold division; one for the use of the bishop, another for maintaining the fabric of the church, a third for the poor, and the fourth to provide for the incumbent. When the sees of the bishops became otherwise amply endowed, they were prohibited from demanding their usual share of the tithes, and the division was into three parts only." He was a plain man, and unlearned in the law, but it appeared to him that these were authorities which no man could dispute; therefore the argument of antiquity would not only fail, but these authorities would establish the opposite point, that the people were not called upon to support the fabric of the church, but that this was a modern innovation. He trusted, therefore, that it would not be again urged on the House, that they could refer to high antiquity for the proof that the parishioners had to pay Church-rates; but, on the contrary, if antiquity were to be relied on, that it would furnish an argument of a directly contrary nature. The noble Lord, the Member for Liverpool, inquired very significantly whether, when they had given the Church-rates up to the Dissenters—when they had allowed these rates to be extinguished—the Dissenters would be contented. The hon. Member for Yorkshire had answered that question for him. The answer to the inquiry was, that the Dissenters aimed at the extinction of Church-rates, on the ground that they were for the maintenance of a religious service, and for the performance of divine worship, in a form in which they could not participate. They made a great and most important distinction between the payment of Church-rates and tithes. The Dissenters acknowledged that they had bought their estates subject to the payment of tithes, and therefore, only nine-tenths of the produce belonged to them. No man, however, would say, that he bought an estate subject to the indefinite payment of Church-rates. It could not be denied that Church-rates were to a certain degree a voluntary rate, for if the persons who had to pay the rates opposed it by a majority in the vestry, it was not a legal rate. The noble Lord said, that there was an undoubted right to enforce the payment of Church-rates. No doubt this was the case when they had a legal rate to enforce. It was only when the parishioners had consented to the rate that they had an undoubted right to enforce it. If, therefore, parishioners did not choose to impose this rate on themselves, it would be extremely difficult to compel them to pay it. The question was, whether the Dissenters would be contented or not with the abolition of Church-rates. He could not say that he was there as the representative of the Dissenters, but was merely the representative of his own opinions, and he would at once declare, that he thought that he never should be found pressing that House for the abolition of tithes. On this point, however, he had something stronger than assertion as regarded the great body of Dissenters. He begged the House to recollect, that when the tithe question was under discussion last year, not a single petition was presented from any body of Dissenters praying for a different appropriation of them. This was not a mere assertion, for the statement he had made had a weighty authority. Here was a distinct recognition that the tithe question was a matter to be settled between the Legislature and the country. It appeared, then, that although there were thousands and tens of thousands of Dissenters who were tithe payers, there were none who were prepared to oppose the payment of them. This was a direct answer to the assertion made on the opposite side of the House, that the Dissenters wished to prevent the payment of tithes. He was not quite satisfied that the plan of the Chancellor of the Exchequer for the abolition of Church-rates, and providing a substitute, was the best that could be devised. On the contrary, he was inclined to think that the plan he would suggest would be better; but at any rate, he was sure that it would be more simple in its nature. He would not place himself in the situation which an hon. Baronet, formerly a member of that House—he meant Sir William Ingilby—took on one occasion, namely, to place himself in the office of Chancellor of the Exchequer for one night, and bring forward a budget; but he would suggest to the right hon. Gentleman a mode by which he might extinguish Church-rates by a less cumbersome machinery than was prepared in the plan before the House. He was sure that it was known to many hon. Members that there was a fund connected with the church called the first fruits and tenths; and it was equally well known that this was an impost which always existed since the days of King John, and even at an earlier period. The House was aware that during the interval between the institution of first fruits and tenths and the Reformation they were paid to the Pope, and were made applicable to carrying on the secular Government of Rome. At the time of Henry the 8th that monarch wished to apply these tenths and first fruits to State purposes in this country; and having come to this determination, he, with the concurrence of the Legislature, passed an Act of Parliament, whereby it was directed that these funds should be applied to political objects. He mentioned this because these were funds over which Parliament had a just and legitimate control. At the period to which he alluded, he meant the 26th of Henry 8th., a return was made which gave a survey of all the ecclesiastical lands and revenues of the country at that period. This survey, or valuation, was contained in a book which had been kept up to the present time in the Remembrancer's-office. This work had recently been published, and was known by the name of *Liber Regis* or the King's Book, in which there was a valuation, at the time of Henry 8th of all the livings in the kingdom. In the third year of Philip and Mary the Act of Henry, 8th was repealed; but in the first year of Elizabeth an Act was passed again enacting the statute of Henry, and the funds were directed for the future to be applied to purposes of state. So matters continued to the time of Queen Anne, who, at the instigation of the Bishops, ordered that this fund should be devoted to increasing the value of small livings, and to other similar purposes, and it hereafter attained the name of Queen Anne's bounty. Formerly, however, this fund was paid to its full amount, but what course did the governors of Queen Anne's bounty pursue with regard to this fund? Instead of taking the amount which they ought to do from the rich clergy, and giving it to the poor and destitute clergy as they ought to do, in conformity with the liberal bounty of Anne, they neglected their duty in a shameful manner, and only enforced payment to the amount of the value of the living in the time of Henry 8th. He was satisfied that these funds, if duly collected would be found sufficiently ample to supply the place of Church-rates, and for those purposes to which they were now devoted, and if God gave him strength and the House its support, he would enforce the payment of these charges in such a way as to ensure every incumbent of a parish an income of 200*l.* a-year. With the proper collection and application of this fund they might also do away with Church-rates. He would state to the House some facts illustrative of the present negligent mode in which these funds were collected. He would take five livings, and he did not choose to designate them by name, as that might appear to be invidious, but these would be amply sufficient to show the manner in which first fruits and tenths were administered at present. The livings he would designate by numbers one, two, three, four, and five. Number one was of the actual value of 1,070*l.* a-year as returned to the Ecclesiastical Commissioners, and so stated in their Report. Now, the clergyman ought to pay within a certain time of his induction to his living the full value of the first fruits; but instead of paying 1,070*l.* he (Mr. Baines) found that he only paid into the first fruits office the sum of 36*l.* 3*s.* 11*d.* Was this an administration of the first fruits which could be satisfactory or just to the poorer clergy? With respect to the tenths of this living he found that only 3*l.* 12*s.* 4*d.* was paid yearly, instead of 107*l.* a-year. He might be told that the valuation of Henry the 8th was adhered to till the present time, but this was an argument for a new valuation. By the present system it was clear that the pious intentions of Queen Anne had not been complied with, and the poor clergy had not received the full benefit of her bounty. He thought this was a subject well worthy of the attention of the noble Lord, the Secretary of the Home Department, and he wished that he would direct his mind to the consideration of it. The second living, and he took the return of the rector in the Ecclesiastical Report for his authority, was of the value of 1,230*l.* a-year. The sum paid for first fruits, instead of being 1,230*l.* was only 46*l.* 4*s.* 9*d.* The deficiency between these two sums was the amount withheld from the poor clergy. The sum paid for tenths every year was only 4*l.* 12*s.* 5*d.*, instead of 123*l* a-year. The annual income of the third living was 1,407*l*,. the payment for first fruits was only 26*l.*; the sum paid for tenths was 2*l.* 13*s.* 4*d.*, instead of being 140*l.* a-year. The annual value of the fourth living was 2,230*l.* the sum paid for first fruits was only 80*l.* 10*s.* 8*d.*, the annual payment for tenths was 8*l.* 10*s.* 8*d.*, whereas it ought to be 223*l.* a-year. The last case which he should mention was that of a living the value of which was 3,616*l.* a-year the sum paid for first fruits was 102*l.* 9*s.* 9*d.*, the sum paid for tenths was 10*l.* 4*s.* 11*d.*, whereas it ought to be 361*l.* a-year. He was sure that this was a subject which should be brought under the serious attention of the Chancellor of the Exchequer, and he trusted that some steps would at once be taken to ensure a better administration of these funds, so that the charge of Church-rates might be defrayed out of them; and, at the same time, the condition of the poorer clergy be bettered. He had heard a great deal from the other side of the House as to the sympathy they entertained for the poorer clergy; but if they were sincerely anxious to improve the situation of that excellent body of men, they had the means of doing so by supporting a different and better administration of these funds. He was satisfied that with an improved administration these funds would be found to amount to 350,000*l.* a year. Supposing that of this amount they devoted 250,000*l.* in the payment of Church-rates, the would have 100,000*l.* left for the improvement of the condition of the poorer clergy. He confessed that unless he heard a satisfactory reason for not taking up this subject he should feel it to be his duty to take it up without delay. Nothing, he was convinced, could satisfy the country but a complete alteration of the present system. With respect to the measure under the consideration of the House, he would only say, that he should feel it to be his duty to support it. In conclusion, he begged pardon of the House for having so long detained them, and he trusted that in what he had said he had not given utterance to anything calculated to cause personal feelings of animosity, He could only assure the committee that in the observations he had addressed to them he was only actuated by a friendly feeling towards the Church, and by an anxiety to promote the cause of religion. He repeated that he would give the motion his most decided support. He was extremely glad at the manifestation of feeling displayed last night by the noble Lord, and he was equally pleased at reading his speech that morning. He could only on the part of his own constituents tell the government that acting on the principles set forward by the noble Lord last night would ensure their support; and he was also satisfied that the Government would receive the support of two millions of persons whom they were anxious to relieve from a vexatious grievance.

Mr. *W. E. Gladstone* said, the hon. Member who had just sat down had indulged his ingenuity in one part of his speech, by going into details of a project which, whatever its abstract recommendations, was certainly not before the House; and it really seemed as if in so doing he had felt there was a paucity of matter for immediate consideration. If such had been the feelings of the hon. Member for Leeds, his (Mr. Gladstone's) were, he confessed, of quite a contrary description. He should not therefore follow the hon. Member into the principle or details of that plan; but he should endeavour to reply to that part of his speech in which he attempted to maintain a position which, if successfully made out, would undoubtedly exercise a most material influence on the opinions of many gentlemen in that House. The hon. Member had quoted Degge and Blackstone in support of the quadripartite division of tithes, and to prove that under the law of that division the repairs of the Church fell originally on the bishop, and afterwards on the rector. Now, with respect to the bishops, the statement carried its own explanation along with it; because when they were told that of the tithes of the diocese one entire fourth-part went to the share of the bishop, it obviously referred to the period when the Church was in a missionary state—when it first made a settlement in a district, and when the bishop received the amount of contribution, and his clergy itinerated throughout the district. He left the hon. Member then to derive all the benefit he could from the admission that Judge Blackstone did allege that division to have prevailed in the darkness of the middle ages. With respect to the other authority—Sir Simon Degge—he wished the hon. Member had read a little further. He wished to know whether his authority contradicted this broad proposition, that during a period of more than five centuries throughout the whole period comprehended in what is legally denominated the memory of man, since the reign of Richard 1., it had been a matter of common law right in this country to throw the expenses of repairing the fabric of the Church on the rated lands. He would read a short passage on this subject from Chief Justice Holt, an authority entitled to the utmost respect:—"By the civil and canon law the parson is obliged to repair the whole Church, and it is so in all Christian kingdoms but England; but by the peculiar laws of this country the parishioners are charged with the repairs of the body of the Church." But to come to the subject immediately under the consideration of the House, the Government proposed to transfer a sum of 250,000*l.* a-year from the Church estates to the pockets of the holders of land and houses in the country. It was true there was an intermediate party, and that what was taken from the Church estates was in the first instance to be devoted to the maintenance of the fabric of the Church. But it was also true, that what was now assigned for that purpose was put into the pockets of the landholders. He therefore contended that it was the same in point of principle as if they took it directly from the estates of the Church and gave it to the land. Were the majority of landholders in the country Dissenters? The ludicrous, though not the most objectionable, part of the plan was this,—that it would remit nine-tenths of the amount to Members of the Church of England, the Dissenters paying but a very trivial sum of the 250,000*l.* now required for Church-rates. But it was said that the Dissenters were actuated in their resistance to Church-rates by a scruple of conscience. He would not speak of them with any species of disrespect, or accuse them of factious or discreditable motives; but this he would say, he did not think the motive of their resistance was entitled to so sacred a name as a scruple of conscience. A scruple of conscience was a sacred thing, and brought with it claims which could not be resisted. If there had been a scruple of conscience in the matter, it was monstrous, it was a political crime of the deepest dye, that it was not attended to before, and that Government had treated it as a matter of policy and expediency. It might be a matter of dislike, objection, or opposition, and it might be right or wrong in that respect, but it was no scruple of conscience. His principle was this—when the Legislature made a demand on its subjects for a part of their property, whatever might be the purpose to which it was applied, the demand of the Legislature absolved the conscience of its subjects. They might use every means of getting rid of it, but as long as the payment was law, no scruple of conscience could fairly resist it. Every kind of suffering and hardship, as in the case of the Quakers, should rather be endured, than that they should be entitled to absolve themselves, under a scruple of conscience, from its payment. Was it a scruple of conscience to depart from an obligation which had been voluntarily undertaken, when the property was purchased under that obligation? Did not the scruple of conscience rather command them to fulfil it? What, he asked, would be the state of the law in Scotland, if this plan were adopted? The Dissenters in England were a small minority, and to relieve them from supporting the fabric of the established Church, Church-rates were to be abolished. But in Scotland, where a great portion of the land was held by Episcopalians, they (the Episcopalians) were still bound to contribute to the support of the Church there. The application of the law in Scotland was far more extensive, and its means of enforcement far more stringent, than in this country. In Scotland, if a church had fallen into decay, and the population required increased accommodation, the heritors were not only compellable by law to build a new church, but to build it on a scale adequate to the increased demands of the population. Nor was this the dead letter of the law. He knew a case of a parish in Stirlingshire, where the church being capable of seating only 350 persons, it was rebuilt by the heritors to accommodate 1,600. They did not afford aid to the population of Scotland, and he believed if they did, so far from clamouring for it, or being desirous of receiving it, he solemnly believed they would come forward as one man, and repudiate the boon as an insult to their honour and conscience. An argument was advanced against hon. Gentlemen who sat on that side of the House, from the remission of the vestry-cess in the Irish Church Bill. He felt that those who had voted against that Bill, were nevertheless committed by the principle of the remission of vestry-cess. Gentlemen on that side, with some individual exceptions, did not object to that principle, and were not now disposed to shrink from it; but, adhering to that principle, they were still free to resist such remission of Church-rates as was proposed by the present plan. The remission of vestry-cess was urged and granted on two grounds. The first was, that the revenues of the Church were more than sufficient for the purposes which the Established Church was intended to accomplish; the second, that cess was not a fixed property, like tithes. Whether this opinion were correct or not, it was one which had been promulgated in this House by the highest authorities, and received and acted upon in the course pursued on the Irish Church question. The noble Lord, the Member for North Lancashire, who then sat on the other side, and who was acknowledged by the Government as their organ in the House, had expressed himself in a speech which he delivered on that subject, to the following effect:—"I admit the distinction which must be taken by every man, that the nature of the right of the Church to this cess, and the mode in which it presses on the occupying tenant, and affects the interests both of himself and of his landlord, are so opposed to the nature of tithes, that it is impossible to argue on the same principle as to the application of the one and of the other." Lord Althorp also said, in an address which he delivered on that occasion, "The Catholics have thus not only to submit to the payment of a tax (for this rate is a tax), but are also precluded from all control over it. . . . I repeat, that this rate is a tax very different in its nature from tithes: tithes are a certain burden on the land, of which a man is aware at the time he purchases it; but the Church-rate is an uncertain tax, which varies according to the purposes to which it is applied." Now it having been assumed that Church-rate was different in its nature from tithe, and it being likewise alleged that the revenues of the Church in Ireland were sufficient to supply funds for the purposes of the rate, he was justified in saying, that the abolition of the impost was conceded on a two-fold ground, that none of the property of the Church would be surrendered by taking that step, and that it would not at all interfere with the full accomplishment of the purposes for which the Church was established. But was that the case in England? Were the purposes of the Church accomplished, and if they were not, could the remission of vestry cess in Ireland be alleged as a precedent for the remission of the sums now levied by way of Church-rate? He had asked if the purposes of the Church were satisfied, and he would now ask, what was the principles of a Church establishment, of which they heard so much? He did not think this question had received the attention which it merited. There was a disposition in many minds to believe, that the principle of an Established Church would be fully maintained, by preserving to a particular form of religion, the fixed endowments of which it was in possession, and which might, and in this country accidentally did, belong in the mass to a single community. He would assert that the maintenance of a single community in its endowments, was not the main principle of an established Church; and this he said, because the law guaranteed to all the dissenting chapels in the country, the possession of all the revenues with which they might be endowed, and with which many of them, it was well known, were largely endowed. The hon. Member for Leeds was well aware of the existence of this class of chapels, supported almost wholly by endowments, which were as fully secured to them as the Church property was to the Establishment. He would suppose a case, which was said to exist in England, and which, beyond all doubt, did exist in Scotland at the time of the Reformation, when one-half of the land of the country was in the hands of the Church. Would it then be inconsistent with the principle of an established Church, to modify or change the existing state of that property? He did not believe that it would; for he thought that the possession of such an enormous amount of property would tend rather to cramp the energies and to stifle the active vigilance of the Church, than to increase and extend its utility. But he would suppose a case of a contrary description, where the endowments of the Church were too small rather than too ample, where a great mass of the population was destitute of spiritual instruction, and shut out from the ordinances of religion. Would any man maintain that the principle of an Established Church would be fully recognised and satisfied by merely continuing to it its endowments, unless the funds of which it stood in need in order to fulfil the great objects for which it was intended were supplied by the State? The principles of an establishment was this, to carry home to the door of every man in the country who was willing to receive them, the blessings of religion, and the ordinances which its Ministers were appointed to dispense. Hon. Gentlemen on the other side contended that the supply of religious instruction should be proportioned to the demand, as if the demand for it could ever be commensurate with the extent to which it really was required. Those who were friendly to the principles of an Established Church thought that there were two great bodies of the population who were never likely to be adequately provided for by Dissenting communities. In the first place, those who from want of will did not go to Church, because they were not trained up in habits of piety, and impressed with the spirit of devotion; and, secondly, those who could not go to Church. Those who would not attend Church, who had no fixed religion, some men wished to leave entirely out of consideration; but it was not because these persons had reflected on the subject and arrived by a train of reasoning to the conclusion that there was no truth in religion that they neglected its ordinances and remained careless of its precepts. These persons were irreligious because they had not reasoned, and therefore those who wished to consult their welfare by bringing them to a sense of the duties of religion wished to bring its Ministers into communication with them; not merely to erect churches, and to appoint pastors, but to place them in districts where they must go from house to house to bring them into relation with congregated masses of misery and ignorance. When this was accomplished they might say that they had acted on the principle and fulfilled the purposes of an Established Church; but not till then. If these purposes were accomplished, he did not mean to say that he would now be found objecting to the plan brought forward by the right hon. Gentleman, the Chancellor of the Exchequer—he did not mean to say that he would hold the principle of the inviolability of Church property to such an extreme degree as to say that the whole of its revenues should be maintained to the Establishment, whether they were required or not. Where any tax which pressed heavily on the community could be remitted without injury to the efficiency of the Church, and when funds could be spared from the ecclesiastical revenues to accomplish the objects for which it was imposed, no one could object to its remission; but where, as in this country, the revenues of the Church were scarcely sufficient for those great purposes to which it was destined, the mutilation of any branch of its revenues or the curtailment of its resources would be an infraction of the most sacred duty of the Legislature. The supporters of the measure proposed by Government might object that the principle of an establishment in the sense in which he understood it, had never been acted upon by Parliament, or recognised by the country up to the present time. He knew that not only the Government of the country and its Parliament, but all the members of its Church and the whole body of its people, had not been alive to the destitute condition of a multitude of the people, or attended with sufficient alacrity and promptitude to the pressure of those wants which so loudly called for relief. The principle of an Established Church, he grieved to say, had not hitherto been acted on; we had not had a due or adequate sense of our obligations; but, because that had been the case up to the present period, did it therefore follow that men were to perpetrate that injustice —that we were to commit a crime of so deep a dye as to renounce these obligations, and to refuse to observe the duties to which they bound us. Was there no difference between temporary forgetfulness and entire neglect of them? Would the moralist make no difference between the man who failed to perceive the whole breadth and scope of these duties, and the man who, when they were impressed on his attention, refused to discharge them? Surely this would be an offence of a class widely different indeed from any which had been committed by us heretofore; and the only consideration which was necessary to induce him to oppose that plan which was now before the House was the determination in the affirmative of the question, whether the revenues of the Church were insufficient to the purposes of its establishment. What were the fact of the case? The Bishop of London had stated that sittings in churches for 370,000 persons were required before the whole population of the metropolis could have an opportunity of attending public worship; and the researches of Mr. Aitch led him to conclude that the whole population of London beyond the reach of religious ordinances amounted to 600,000. There was a delusion abroad that this amazing deficiency of spiritual instruction could be supplied by voluntary exertions. He wished he could suppose that this conjecture was likely to be realised, but he was afraid it was little else than chimerical. It must be within the knowledge of many hon. Members that within the last twelvemonths great efforts had been made, under the superintendence of the ecclesiastical authorities of the diocese, to supply the lamentable deficiency which was so deeply felt in the metropolis. During nine months of that period private liberality had been put to the test. He did not mean to say that it had yet done all that could be effected, but he maintained that after what it had done no reasonable man could have the slightest ground for imagining that it could supply either the whole or the greatest part of the defect, or that its efforts could extend beyond giving relief to a very inconsiderable fraction of the population. The funds subscribed might be adequate to the erection of twenty churches, but what was the accommodation of 20,000 persons, when compared with those appalling deficiencies which met the eye in every part of the country, and which he was willing to believe, had not been supplied only because their existence and amount had never been fully understood. How, then, he would put it to the House, could a Christian Legislature with propriety consent to pass a measure which would cut off every resource from which the Church could hope to mitigate this enormous evil, to inform the ignorance, to enlighten the religious darkness, and to prevent the crimes of its destitute members? He wished now to make some allusion to a statement which the noble Lord (J. Russell) had made last night on the subject of the Ecclesiastical Commission. As to the general expediency of the course which the noble Lord had pursued, it did seem to him (Mr. Gladstone) not only extraordinary in its nature, but likely to be mischievous in its results. If those who had been permanently members of a Commission appointed for a most important purpose, who had investigated the subjects brought before them in all their bearings, and formed their opinions deliberately, who had affixed their names to the Report, without any notice of dissent, and who had introduced into Parliament measures founded on the conclusion to which their inquiries had conducted them, were to say "It is true such and such measures are recommended by the Commissioners, but they were not suggested by me, I bow to their opinions,"—if such a course as this were to be taken, he for one must express his decided disapprobation of it. Did the noble Lord suppose, that he could, or if he could he ought, thus to escape all responsibility for the measures recommended by the Commission? He admitted that it would be illiberal to consider the noble Lord as tied down to particular items. He did not wish to consider the noble Lord as irrevocably pledged to assign every specific sum to a specific purpose; but he thought that the noble Lord was bound not to depart from the main features and outlines of these measures. The object of the Commission was to ascertain in what manner the revenues of the Church could be best applied, to the fulfilment of the ends for which it was instituted. And what was the result of their inquiries with reference to the extent of its means? The House could not have forgotten that emphatic speech in which the noble Lord had declared (such high and unquestionable authority, he hoped, would receive the full assent of the other side) "the resources which the Established Church possesses, and which can properly be made available for its purposes, in whatever way they may be husbanded or distributed, are evidently quite inadequate to the exigency of the case, and all that we can hope to do is gradually to diminish the intensity of the evil." To these sentiments he held the noble Lord pledged. Was it consistent, then, with these sentiments, that the noble Lord should now propose to them the adoption of the plan under consideration—that he should take from the Church 250,000*l.*, (assuming the correctness of the right hon. Gentleman's calculations) which might relieve the spiritual wants of many thousands of the people, and transfer it to the landowners? Suppose this measure carried, and that a surplus equal to the anticipated amount were obtained, it would be utterly inadequate to supply the spiritual wants of the increased population which must grow up in the country within the period when the plan would come into practical operation. He entreated the House to reflect, that notwithstanding all which had been effected by voluntary exertions, the population had continued to increase at a rate so rapid as to set at defiance the efforts of private liberality. Let the House consider the position in which the friends of the Established Church would be placed if this measure were granted. The noble Lord or some of his colleagues had told them, that they might come to Parliament and ask a grant for the erection of the additional churches required. Did the noble Lord think, if they failed in their present argument, that they would be likely to meet with success in such an application? If, now that they were contending for a principle, recognised during many centuries, they were called on to relinquish its advocacy, did the noble Lord think that they would be enabled to establish a new claim, which could not be supported by any of the arguments urged in favour of that which he was now pressing on the consideration of the House, and which could not be recommended by those considerations which pleaded so powerfully for the case he had endeavoured to state? The only contingency in which such claim could be made with any probability of success, would be that it should be entirely unopposed. If the Dissenters were inclined to admit of such grants, why had they not supported the measure brought forward by Lord Althorp on this subject? If they denounced the principle on which they were made, and would oppose them on future occasions, how could the noble Lord call on them to relinquish part of the funds which the Church already possessed to meet her own wants, to abandon the advantages of the position they now occupied, and trust to the dangers of such a clouded future as he depicted? He wished hon. Gentlemen to compare the plan now before them with the plan proposed by Government for the reform of the Irish Church. Of the two measures, the latter, in his mind, was the more plausible, he did not say the more sound, for both were lamentably deficient in rectitude of principle. What was the ostensible principle on which it was founded? The appropriation to Church purposes of a surplus of Church property. Some words were introduced into the Bill, whether in mockery or not, providing that no alienation of property shall take place until the claims of the Church be fully satisfied. In that Bill Government laid down the principle, that full provision should be made for the wants of every congregation of Protestants existing in Ireland. He asked them, then, to apply to England the same principle which they recognised in Ireland. Could any reason be alleged that Protestant congregations should be left destitute of pastors in this country, where the bulk of the people were attached to the Established Church, when that evil was to be prevented in Ireland even by the mischievous measures which were proposed for that country? But most of all had they reason to complain of the Government plan, when they compared it with the previous professions of Ministers. In 1835 the noble Lord (J. Russell) did not occupy the same prominent station he now held, and only lent his Colleagues his occasional assistance. But when the hon. Member for Middlesex attempted to establish by a resolution a principle far less objectionable than that which was embodied in the resolution before them, the noble Lord was so struck with its impolicy, that he said:—"I feel it incumbent on me to come forward to declare the opinions I entertain in opposition to those of the hon. Gentleman (Mr. Harvey) who has just sat down." . . . . "I should be wanting in candour if I did not say that the reason why the hon. Gentleman and his Friends are continually disappointed is this, that there is a difference of principle between us—a difference of opinion which, I am afraid, never can be reconciled." . . . . . "I maintain that there may be a Church Establishment maintained by the State, by means of compulsory payments, and yet that there may be the most perfect religious freedom." . . . . . "With these opinions I have gone along with the Protestant Dissenters, whilst religious disabilities were to be removed; but I go no further in the line proposed by the hon. Gentleman." . . . . . The noble Lord, he was aware, still adhered verbally to this declaration; but if he really did hold the principle of a Church Establishment, he must admit the demands of the Dissenters to be unreasonable, and would refuse to sacrifice to them the spiritual wants of the population. He must say that the moral history of Lord Althorp's measure on Church-rates was a curious subject for retrospection. It was introduced while the noble Lord, the Member for North Lancashire (Lord Stanley), formed the principal support of Government in that House. When that noble Lord left the Government it was postponed from day to day. Lord Althorp was asked when the Bill would be brought in, and he replied that it would be undoubtedly introduced, but that he could not name the day. At length it was brought in, and the second reading was repeatedly deferred. Lord Grey was still at the head of the Administration, but in June he left the Government, and the Bill was suffered to fall to the ground. It was really instructive to reflect how the brightest ornaments of the Government had left it—how it had been deserted by those distinguished men in whom its Members reposed most confidence. Would the noble Lord venture to avow his abandonment of the principles by which he had formerly professed to be guided? No, the noble Lord had not boldness or courage for that. In 1835, the introduction of the measure was put off on the plea that the Session was too far advanced, when Government came into power, to allow them time to bring it in. In 1836, the noble Lord (J. Russell) stated in answer to a question, that the Bill would be introduced, but not before Easter, as it was necessary that the House should first be in possession of the opinions of the Commissioners on the distribution of ecclesiastical property. The Session passed away, and in June the noble Lord was again asked when the Bill would be introduced, and replied that there was no time to bring it in at that period. The noble Lord was afraid to avow his real principles, and was at the same time averse to declare open war on the Established Church. But was this paltering with principles worthy of a Statesman? Was it consonant with tha regard to the dictates of uncompromising rectitude which ought to govern his conduct? The noble Lord was afraid to introduce a Bill similar in its provisions to that proposed by Lord Althorp, because though its effect would be beneficial to the Church, it would be injurious to the party to whom he belonged. The noble Lord foresaw that the consequence would be the falling off of the Dissenters, and the loss of the influence which that body could exercise in the elections, and could not venture to run the risk of losing several votes in that House by the introduction of such a plan. The first native hue of his resolution was sicklied over with the pale cast of thought. The reluctant hesitation, the repeated deliberations of Government, their successive postponements of the question, coupled with the nature of the plan before the House, compelled him to charge them with being actuated, in the course they had taken on this measure, more by a regard for party considerations, than f r the real interests of the Church and the country. It was painful to him to be obliged thus to characterise the policy of Ministers; but he felt that he should not be doing his duty if he refrained from speaking his sentiments. He was convinced, that by agreeing to the plan of the Government, they would subvert the Established Church. It was plain, from the recorded admissions of the organs of Dissenters in that House, that all future attempts to act on the principle of an Establishment would be resisted to the utmost by that which styled itself the popular party. Were they prepared to surrender that principle which was the strength and glory of this empire? The hon. Member for Liskeard, in a speech delivered by him on another question than that which now occupied them, had ascribed the grandeur of ancient Rome to her municipal institutions. He thought that they must look to some higher and more powerful principle for the cause. He would take the liberty of reading the opinion entertained on this interesting subject by an ancient historian, a Greek by birth, but a Roman in spirit and temperament, one of the most acute and sagacious observers who ever applied his mind to human affairs—who had examined with curious accuracy, the ground work and fabric of Roman greatness. The opinion of this historian was thus given in the part of his works which treated of the Roman constitution. After recording his sentiments of all those monarchies of which the world had been most proud in the successive ages of its existence, and describing their various merits and defects, he said:—

> "The most remarkable peculiarity of the Roman policy, and that which is attended with the most salutary and beneficial effects, is to be found in their conception of the gods. That which is elsewhere a source of opprobrium, is the sustaining principle of the Roman constitution; for among them piety and devotion to the commands of heaven are held in the highest estimation; religion has taken deep root, and exercises an important influence on the lives of individuals, and a powerful sway over the affairs of the State."

It was not by the active strength and resistless prowess of her legions, the bold independence of her citizens, or the well-maintained equilibrium of her constitution, or by the judicious adaptation of various measures to the various circumstances of her subject states, that the Român power was upheld. Its foundation lay in the prevailing feeling of religion. This was the superior power which curbed the license of undivided rule, and engendered in the people a lofty disinterestedness and disregard of personal motives, and devotion to the glory of the republic. The devotion of the Romans was not enlightened by a knowledge of the precepts of Christianity; here religion was still more deeply rooted, and firmly fixed. And would they now consent to compromise the security of its firmest bulwark? No Ministry would dare to propose its unconditional surrender; but with the same earnestness and depth of feeling with which they should deprecate the open avowal of such a determination, they ought to resist the covert and insidious introduction of the principle.

Lord *John Russell* begged to explain. The hon. Gentleman, in referring to that portion of his speech of last night in which he spoke on the subject of the ecclesiastical commission, seemed to impute to him that he shrunk from the responsibility which attached to him as a member of that commission. He begged to say, he did not wish to shrink from his responsibility, but, on the contrary, adopted it in the way proposed by the hon. Gentleman. Though he differed in some particulars from the report, as for instance, concerning the arrangement recommended respecting the deans and chapters, yet with regard to the general principle of the commissioners' plan he agreed with them. He had given his assent to those propositions in the commission, and he had no objection to state in the House, as he had stated elsewhere, that he had so given his assent. He thought the question for this House and for Parliament to consider, was, whether the plan proposed by that commission was on the whole prudent, safe, and efficient as a measure of reform; thinking it a safe and efficient measure of reform, he agreed to it, but he thought himself at liberty, in saying this, also to state that the propositions were not made by him, but chiefly by the ecclesiastical commissioners. The hon. Gentleman had also referred to his reply to an observation made in a former debate, by the hon. and learned Member for Southwark. The hon. Gentleman, however, appeared to have misunderstood the purport of his reply, which was intended to be an answer to the argument that religious freedom could not co-exist with a church establishment.

Mr. *P. Thomson* would not have risen on that occasion, had not the hon. Gentleman who had just sat down, imputed to those who opposed the motion, an attachment to the voluntary principle and a hostility to all religion. He had some right to deny that imputation; for he believed, that in no place there existed so strong a feeling in favour of the voluntary principle as in that which he represented, and he had refused to support the views of his constituents. A petition had been sent from that town, signed by 36,000 persons, who prayed for the adoption of the voluntary principle. He, however, had not hesitated to declare to the petitioners that he could not support their petition. He was prepared to contend that so far from the present measure embracing that principle, it was founded on a principle directly the reverse. The principle on which it was based was unquestionably that of the established church. If he understood what was meant by the voluntary principle, it was this, that the state was not bound to afford religious instruction to the King's subjects. It involved, not merely the question of the abolition of church-rates; but whether any payment whatever was to be made for the support of a state religion, and whether, therefore, there should be taken away from the church the whole of its present endowment. That was what he understood by the voluntary principle, and to that principle, he, for one, was most distinctly opposed. Did the ministers ever propose, in abolishing church rates, to leave the fabric of the church to be repaired by private individuals? No such thing. They proposed to take from that which he contended was a fund belonging to the state—to take from that which was a national fund—the means for supporting the fabric of the church instead of maintaining it by the tax at present collected for the purpose. The hon. Member for Newark agreed with him as to what the endowment of the Church should be, and what should be that national Church. He had admitted that, if the endowment of that Church could be shown to be too large, he would not refuse to diminish it. He would for his part admit, that, if the present endowment of the Church should turn out to be too small, he would not object to augment it. He took the endowment of the Church to be a provision necessary to the support of religion. If they were taking from the revenues of the Church for the purpose of supporting the fabric of the Church,—if even the proposition to which the hon. Gentleman had alluded were made out, he should contend that the House had a perfect right to do so. But he repeated, no such thing was proposed, but it was proposed to appropriate the full amount of the existing revenue of the Church to the same objects as at present, and to appropriate an increased revenue to repair the fabric of the Church. He was quite aware, that, in going thus far with the hon. Gentleman opposite, he exposed himself to remarks of this kind,—"What, then, becomes of your principle of resistance to the Church-rates; that voluntary principle of which we have heard so much?" He must allow, that if this principle were pushed to its full extent, that no contribution should be paid towards the support of the Church from national funds, or rather, from Church funds being national, he would oppose it. But all he proposed to do in voting for this measure was, that whereas he found that they could raise the Church revenues, by a certain process, to their full value, he did not consider it necessary to come upon the other national funds to provide for the Church. The hon. Gentleman said, that there had been some inconsistency on the part of Ministers, in coming forward with this measure at the present time, and in not having persevered with the measure which they brought forward in 1834. He maintained that there had been no such inconsistency. He voted for the measure of 1834, because he was not then aware that any funds existed in the Church from which he could draw a sufficient amount to defray the charges of repairing the fabric of the Church. He was now aware that such funds existed, and, of course, he preferred to apply them in this way, to drawing from other national funds, which he should not be justified in attempting. But the hon. Gentleman greatly misunderstood the grounds upon which the resolution was founded. The hon. Gentleman limited his dissent chiefly to the objections he entertained to the proposed disposal of these funds,—not to the mode in which we intend to raise them. In that case what became of the argument of those hon. Gentlemen who had spoken so very harshly of its principle. The measure had been characterised in that House as one of spoliation; and in another place, they called it sacrilegious spoliation. These two arguments could not stand together. Gentlemen might adopt the one or the other; but they were inconsistent the one with the other, and could not subsist together. He was not surprised that the hon. Gentleman went lightly over this part of the subject, because he must have expected that he would be answered by the noble Lord, the Member for North Lancashire. Would that noble Lord tell him, that there was any spoliation committed when he extinguished vestry-cess in Ireland, by a plan very similar to this for abolishing Church-rates? The noble Lord would not tell the hon. Gentleman any such thing. He might object, as the hon. Gentleman did, to the principle of appropriation; but not to the means by which Ministers proposed to obtain the funds. But it had been said, that the plan was objectionable on principle, because it would tend to make the Bishops of the Church of England stipendiaries. That objection was forcibly discussed by the hon. Member for Oxford, in opposing the Church Temporalities Bill, and he might renew it, but since that Bill had passed into a law, which the hon. Gentleman said would have the effect of making the Bishops stipendiaries, he could not understand how the argument could be sustained, that their utility, their respectability, or their authority, could be diminished by the present proposition. Passing, however, from the anxiety manifested in an early part of the evening, upon a different principle, about the probable amount of these funds, he came to the question of their disposal. He concurred with the hon. Member for Newark, unsupported though he might be by his own Friends, in this particular, in what the hon. Member had said as to the distribution of any surplus funds. He agreed that it was most desirable to augment the means of affording religious instruction, and he should act upon the principle, by lending his humble aid to effect that object, let the proposal to that end come from what quarter it might. There had, however, been some exaggeration in the statements which had been made in reference to this part of the subject; and to some of those observations that have been made in the course of to-night's debate, he would proceed to advert. The right hon. Member for the University of Cambridge (Mr. Goulburn) said, that he could produce many instances of the excessive and manifest deficiency of the means of religious instruction; and among those, he stated, that there were 250,000 people in Manchester, who had among hem only eighteen clergymen of the Establishment — whose united incomes did not amount to more than 2,700*l.* a-year. The right hon. Gentleman went on to say,—for which he scarcely had any adequate authority—that the people were, of course, very ignorant and criminal, because they were without any adequate number of the clergy of the Establishment. If the right hon. Gentleman knew the people to whom he alluded better than he did, he would find that there were few comparative of that character among them. But the facts of the right hon. Gentleman were not correct; and, of course, his inferences were proportionably incorrect. The right hon. Gentleman had not distinguished between the "town" and the "parish" of Manchester. He would take the parish of Manchester, because it contained the larger population. The population of the parish was 270,000; the number of the churches of the Establishment is forty-four: the population of the town of Manchester is 143,000; the number of the churches, eighteen. But had the right hon. Gentleman any right to leave out of his calculation, altogether the number of that population who, as Roman Catholics or Dissenters, had the means of religious instruction? Why, that population comprised between 50,000 and 60,000 Catholics. The number of the chapels in the parish of Manchester was 106, to be added to the places of worship of the Establishment. He mentioned these matters, not to disprove the fact that religious instruction might be very deficient, and extended means for administering it much required there; but as a proper and needful correction of the errors of statement into which the right hon. Gentleman had fallen. There was another matter to which he must advert. The right hon. Gentleman excited and obtained the sympathy of the House by his descriptions. "Imagine," said he, "the situation of these eighteen clergymen, with only 2,700*l.* a-year among them." He agreed, that that amount of stipends was far too little. But the right hon. Gentleman totally omitted from his statement the fact, that there was in Manchester a collegiate church, having an income of about 8,000*l.* a-year. Allow him to ask, since the Ministry had been so fiercely accused of neglecting to provide religious instruction for the poor, what did the Commissioners of Ecclesiastical Inquiry do with respect to this collegiate church? Why, it appeared that, on the scale upon which the other clergymen were paid, this 8,000*l.* would have provided sixteen additional clergymen, at 500*l.* a-year each. The Commissioners provided a new bishop, indeed; but they left the eighteen unfortunate clergymen, alluded to by the right hon. Gentleman, just as they stood before. Now, it was a little too bad, to taunt the Ministers with the neglect of making provision for religious instruction, when there was this mass of wealth which might be distributed among sixteen additional clergymen, at 500*l.* a-year a-piece, and the Commissioners had not distributed it. But the right hon. Gentleman must have fallen into these mistakes unwittingly; and he wished to assure the right hon. Gentleman, that he did not deny the necessity of providing the means of religious instruction. But the question before the House was, did it mean to sanction a proposition which provides a substitute for church rates? And the next question he had to put to those who differed as to the principle of appropriation was, "what do you mean to do with the church rates?" In the course of this debate, he had heard three or four suggestions glanced at, but no specific proposition hazarded, in lieu of the plan before the House. He had heard it said, "leave the Church-rates as they are;"—"don't relieve the land;"—"enforce the existing law, and compel the country parishes to pay." Was there any Gentleman who would come forward and say, that he would recommend that practicable plan,—which had not been definitively propounded, but only glanced at? But he had a right to look at the practical state of the law, as it existed, and from that to judge of the relative advantages of "standing still," or moving on to some point, at which the working of the present system should cease. It would be idle to follow the hon. Gentlemen opposite in any attempt to trace the origin of Church-rates, and that legal power which slept —if, indeed it existed—to enforce the payment of Church-rates. He looked to the practical operation of the law, and in the town of Manchester, which he had the honour to represent, he found that no Church-rates had been paid for three years. What was the reason of that? Had it arisen from any indisposition on the part of those interested in their collection, to enforce the law? No. If the rates could have been got at, depend on it, the law would have been enforced long since. He would here take leave to refer to a petition which was presented, last night, in another place: from certain parties seeking not merely for the enforcement—but for an alteration—of the law of Church-rates. They complained that their church was falling into ruins; that the parishioners, under the influence of a certain noble Lord and his connexions, had refused to allow any rate to be made; that that opposition was successful; and that these petitioners, wishing to see the proper and necessary repairs done to the Church, had found themselves reduced to present that, their petition, through the hands of their bishop, with this view. If there really were a dormant power to levy these rates—if there were this law which "only slept," and could be awakened—how came it, that that petition was presented? The right rev. Prelate (the Bishop of Exeter), who presented it, would not be backward in putting in motion the legal power to compel, if it existed, unwilling parishioners to provide for the due repairs of the Church.

Mr. *Arthur Trevor* wished to ask the right hon. President of the Board of Trade, whether the petition to which he referred, and the speech with which, upon his showing, it would appear to have been introduced, appeared upon the printed Votes of the House of Lords?

Mr. *Poulett Thomson* could only tell the hon. Gentleman, that he knew the facts through the usual sources of information. The law being in this state, he would ask hon. Gentlemen whether they were prepared to introduce any measure to enforce the payment of Church-rates? He did not think they were. He might upon this part of the question, quote the language of the right hon. Baronet, or of his noble Friend who sat behind the right hon. Baronet; for it was impossible to condemn—in stronger language than they had used—the existence of Church-rates; or to show, more clearly than they had shewn, that no question more urgently called for a settlement, on some permanent and practical basis, than the law concerning Church-rates. Then he asked what they meant to do? They could not leave the law on its present footing;—that was avowed on all hands; and what step did they propose to take in this matter, if they objected to affirm the proposition? Were they prepared with any new Bill, to enforce the old law? Supposing under the new law that we wish to introduce, these funds, once realised, were to be distributed according to the desire of hon. Gentlemen opposite, and not in the manner suggested by his right hon. Friend, the Chancellor of the Exchequer; let him ask those hon. Gentlemen how they meant in that case, to dispose of this question of Church-rates? It was because he saw no other efficient plan—no substitute for that proposed that he was quite willing to say—that if it were so imperatively necessary to provide for the people additional means of religious instruction, he would, for one, afford these out of the remainder of the increased income, to be raised so far as it would extend. But, in the first instance, it was their duty to put an end to the present distressing state of this Church-rates question. He firmly believed that in settling the question of Church-rates he should obtain no small advantage, and secure as he believed, in no small degree, religious peace and harmony in the country. With respect to the observations made by the hon. Member for Yorkshire (Mr. Cayley), all he should say of his hon. Friend's speech was, that it proceeded on an entirely erroneous assumption. Although that hon. Member's calculations were correct, the basis upon which he founded them was erroneous, and the result that he came to was in the same condition. That hon. Member had assumed, as the ground of his calculations, that the lessees could renew at one year and a half's purchase. Admitting that to be the case, it was certainly impossible to hold out advantages to them by which means could be derived to supply this rate. It was impossible for them to offer better terms. But he denied entirely the assumption of the hon. Member. He denied that such could be the case; and if the hon. Member wished to be convinced of this, he had only himself to apply to any of the lessees. Let the hon. Member look to what had been done in 1790, when the terms were raised from one year to one year and a quarter's purchase; and in 1799, when they were raised to one year and a half's, at which they had remained, in many cases. The fact was, that these advantageous terms remained to the lessees just so long as the bishops, and the deans, and chapters remained in ignorance of the calculations that had been made on the subject. When the Bill was in Committee, or rather after the Bill was introduced, as he hoped it would be, they should then be better enabled to judge whether or not these terms were advantageous to the trustees, and they would have a better opportunity of seeing the objections that could be made and the reasons that could be urged on both sides. He should trouble the House with no further observations. He had expressed his opinion on the subject, feeling, as he did, the deep importance of settling this question. He ventured to submit this measure to the consideration of the House as one which was eminently calculated to produce peace and harmony among the different classes and sects of this country. He was satisfied that this was the only practical means of putting an end not only to that state of things that existed, but of preventing a state of things that might be much worse than the present. He left the resolution in the hands of the Committee, confident that the Committee would come to a decision favourable to his view of the subject.

Lord *Stanley* said: Sir, at the present time of the night, and after the discussion has been protracted to the unusual period, upon a preliminary question, of not less than three nights, in which whatever could be brought to bear upon the subject, in point of legal investigation and of political and statesmanlike inquiry, has been already furnished by both sides of the House, but especially by my right hon. Friend, the Member for Tamworth, in his opening speech, and by those convincing arguments which the House heard with so much pleasure, in the course of last night's debate, from the hon. and learned Gentlemen, the Members for Exeter and Ripon—to attempt to add anything to the novelty of the argument would be, on my part, at any time, but more particularly on the present occasion, a vain and hopeless task. I should have spared the House the trouble of hearing any observations from me, had it not been that, from first to last in the course of this debate, I have had the honour done me, in various tones, and various manners, and from various Members of this House, of having my previous opinions and statements appealed to, partly as tending to confirm, as far as my humble authority could confirm, the opinions of those who support the present measure, and partly for the purpose of taunting me with inconsistency for the course which at present I feel bound to take. I have been appealed to by my right hon. Friend, the Chancellor of the Exchequer, in tones which he always uses to those Friends whom he sincerely esteems. I have never heard an expression of his towards me, politically opposed as we are on many questions, of which, on public or private grounds, I have had the slightest cause to complain. I have been appealed to in terms of courtesy and kindness by my noble Friend, the Secretary of State for the Home Department, and I have been appealed to in terms, I will take the liberty of saying, neither of courtesy nor of kindness by the King's Attorney-General. In the course of last evening's debate, that hon. and learned Gentleman, in following, not replying to, the speech of my hon. and learned Friend, the Member for Exeter, thought it necessary to make a gratuitous and unprovoked attack upon me, who have given him no provocation whatever. His Majesty's Attorney-General told my hon. and learned Friend, that "before he spoke of inconsistency, he ought to have had the delicacy to look at his right hand, where he might see the noble Lord, the Member for North Lancashire; and in his presence," continued the Attorney-General, "I wish to know how the hon. and learned Gentleman could venture to speak of inconsistency." What pretence, what provocation, have I given for this attack? Who is he that taunts me with inconsistency? Have I ever shrunk, since I have had the honour of a seat in this House, from manfully and frankly stating my opinions, whomsoever they pleased or displeased? I call upon any man to show whenever I have blinked any question? I call upon any man to show if, at any time, I have held different language out of the House from that which I have held within it? I call upon any man to say, when I have ever vituperated and calumniated a body of men, and afterwards solicited to be permitted to become one of that body? I ask, when a main question was depending, which was not displeasing to those with whom I held office, whether I have ever avoided expressing my opinion, or sheltered myself under a neutrality by a convenient absence? And, finally, I ask whether it is not in the knowledge of the King's Attorney-General himself, and every Member of this House, that when I did differ from my colleagues holding office, I abandoned office to maintain my principles? And now, Sir, whenever the Attorney-General shall think fit to answer these questions with regard to himself, as I have answered them, I will, and not till then, place myself on the level to discuss the question of consistency with him. The hon. and learned Gentleman, the Attorney-General, last night, following up this attack, told me, in terms, indeed, complimentary as he meant them, that he knew my ingenuity too well not to be satisfied that I should be able to effect all but impossibilities, to satisfy the House with regard to my supposed change. Sir, I accept no compliment to my ingenuity at the expense of my principles. But this I will say, that without the exercise of the smallest portion of the ingenuity for which the hon. and learned Gentleman has given me credit, and without the slightest sacrifice of those principles which the Attorney-General assumes that I possess, I will demonstrate, if not to the satisfaction, I think at least to the conviction, of the Attorney-General, that there is no inconsistency on my part; I repeat, there is no inconsistency on my part, in having supported, in having introduced, (and I give the Attorney-General the benefit of the admission), with having been the main support of the Church Temporalities Bill, and, upon the present occasion, standing up in determined opposition to the principles embodied in this measure. Can any man say, that there is not a wide difference between that Bill and the present measure, both in its details and in its principle? I own that it is difficult, in spite of the ejaculations of my noble Friend, the Secretary at War (Lord Howick), to understand how any man who supported that measure, under the impression that it was founded on justice and good faith—how any man who had supported that Bill, can support the principles maintained in the present measure? In the first place, I will offer a few observations with regard to some preliminary questions raised upon the main question. The Chancellor of the Exchequer, in his opening speech, said, that the question embodied in his resolution was this:—"Would we, or would we not, pledge ourselves to maintain the existing system of Church-rates, and, if we were not prepared to do so, would we agree to a substitute?" The Chancellor of the Exchequer, in the statement which he made some time ago, appealed to me on this subject, and did me the honour to quote a speech of mine, when I was a Member of the Cabinet, in 1834. In that year, Lord Althorp introduced a plan for the commutation of Church-rates, on which I expressed myself strongly, because I felt strongly; and I feel as strongly now the extreme difficulties and the manifold objections which occur in the present mode of enforcing Church-rates. I entertained these opinions most strongly in 1834, and I stated them as strongly; and if my right hon. Friend wishes, I will express my opinion now against the present plan, by repeating the very words to which the Chancellor of the Exchequer has done me the honour to refer. I feel that there are objections to the present system of Church-rates, I feel that it is objectionable in point of most of its details, I feel it is objectionable in point of the irritation that exists, and in point of the difficulties of its collection; but does it follow, that whatever proposition the Government thinks fit to offer, that proposition we at once are to take without any consideration of its merits or discussion of its principle? But, said my noble Friend (Lord John Russell), "Why not allow us to lay our resolution on the table of the House? It is nothing more than a resolution to found a Bill upon; we may afterwards discuss its principle and its details." Did the noble Lord want to have an opportunity of putting in practice the motto of "*divide et impera?*" The noble Lord promises that the claims of the various interests shall be fairly considered, or any objections that can be urged in Committee; but if this Bill be allowed to go into Committee, I will not give much for the chance any Gentleman has of these objections being listened to. Is this only a question upon a preliminary resolution? The question was raised in the course of this debate, by my right hon. Friend (Sir R. Peel), who distinctly asked across the table of the House—at all events, I am sure the Chancellor of the Exchequer has too much candour not to admit that he distinctly understood the question — whether this resolution was merely to enable him to bring in a Bill; because, if it were one of mere form, no difficulties would be thrown in his way? But the Chancellor of the Exchequer said, and said truly, that this was not dealing fairly with the House; that we must act upon the broad principle, and affirm the resolution; and if we refuse — having affirmed the principle of the resolution, on the ground that it is merely preliminary — to agree to the Bill, then he would turn round and tell us that we had already affirmed the principle of the measure, and that all that remained was to consider the details. This was the position in which the noble Lord (Lord John Russell) also was desirous of placing us when he piteously complained of our entering upon a discussion upon a mere preliminary resolution. It is not the duty of hon. Gentlemen on this side of the House, to furnish a remedy for the evils complained of by the noble Lord. It is the duty of his Majesty's Ministers to find this remedy. I, in supporting the introduction of Lord Althorp's Bill, in March, 1834, gave no support to the proceeding by which that Bill was dropped in the June following. Nay, more; I will venture to say, that if Lord Grey's Government had continued unbroken, we should have seen that Bill carried through by the Cabinet of Lord Grey, and by the consent of both Houses of Parliament. And if the Attorney-General had been so fortunate as then to have obtained a seat in this House, I do not doubt but that we should have had the advantage of his legal acumen and support. The Attorney-General has been kind enough to say, I know not why, that this is the only measure of Lord Grey's Government, that as far as he knew, partook of the thimble-rig character. I was a Member of that Government, and I want to know what right the hon. and learned Gentleman has to make this statement? The hon. and learned Gentleman was a Member of the Government at the time, but he had no hand in framing that Bill; he might, however, satisfy himself by applying to the hon. and learned Member for the Tower Hamlets. The learned Doctor (Lushington) would inform the Attorney-General who it was that gave instructions in drawing up the Bill. And further, if the Attorney-General would look through the Parliamentary proceedings, he would see the names on the back of that Bill of the noble Lord (Lord John Russell) and the Chancellor of the Exchequer. But I am not standing up here to defend the measure of Lord Althorp, or to defend this or that measure, but I must say, that I do consider that the evils of 1834 have been greatly aggravated by the course pursued by the Government in the meantime, by their indecision and inactivity,by their holding out hopes to this party, and promises to that, of the principles on which they had intended to act, calculated to delude both one and the other with the expectation of their supporting the respective views of the different parties. [*Cheers.*] I am cheered by some hon. Gentlemen opposite as if this were not the case. Did you not tell us last year, that it is the duty of Government to provide for Church-rates out of the funds and property of the State? Did you not make this the excuse or pretext for not proceeding with the Bill in June, 1834? Did you not make it a pretext for not proceeding with the Bill, that the funds must be found out of the property of the State, and that if it were the pleasure of the House to provide for these Church-rates out of the ways and means, there would be no further obstacle to the operation of this plan? This was in June last. These were the expectations held out by Government. We shall, perhaps, be told that these funds belong to the State. Shall we, or shall we not? I should like to have this question answered. [A cry of "*Go on!*"] I will not go on: I should like an answer. We were told by his Majesty's Government last year, that the first duty of the Legislature of a Christian country was to provide for the maintenance of the fabric of the church, at the expense and out of the funds of the State. When we are called upon to vote for the principle of a resolution which makes no such provision, is it too much to ask the Government, whether they intend afterwards that this measure shall be a fulfilment of that engagement, and that these funds shall be taken from the funds of the Church. If I cannot get an answer, I must argue the question without one. In the course of his opening speech, the Chancellor of the Exchequer used various arguments respecting the plan of Lord Althorp, and in asking the Committee what settlement they should propose, he stated, in the broadest terms, in the first instance, as an objection to the measure of Lord Althorp, that it deprived vestries of their indisputable power of saying "ay" or "no" as to whether there should be a Church-rate or not. This was one of the main arguments urged by the right hon. Gentleman against the measure of Lord Althorp. To that doctrine, so stated, notwithstanding the astonishment with which it was received, and the arguments of my hon. and learned Friend (Sir W. Follett), the Attorney-General, with the gallantry of a Scot and the zeal of an Independent, came to the rescue, and, not content with affirming the proposition, he staked his professional reputation as a lawyer upon the soundness of the doctrine advanced by the Chancellor of the Exchequer. Yes, in the face of Parliament and the country, the Attorney-General staked his professional reputation on this case, that the right to levy Church-rates depended by law upon the caprice of a majority of the vestry. I must say, I think it is a pity that the Attorney-General did not consult my hon. and learned Friend, the Member for the Tower Hamlets, before he advanced this doctrine, which I am certain that hon. and learned Gentleman would have repudiated, if his judicial decisions in the court over which he presides—if his recorded opinions as a Member of the Church Commission—and if his language even in this House the other night, may be taken as criteria of his sentiments upon this subject. Dr. Lushington, in the very last term, in a case which was brought before him, said, that "as Chancellor of the diocese of London he would issue a monition against the churchwardens of the parish in question to repair the Church; and that if the churchwardens said that they were willing to do so, but that the vestry refused the necessary rate, then would be the time to consider which of these three courses to adopt"—and I think that by the hon. and learned Gentleman's admitting that he was bound to take one of these three courses, he admitted the validity and the necessity of making the rate,—"whether the churchwardens should be admonished to make a rate upon their own authority—which, he admitted, might be a matter of considerable difficulty; or whether to admonish the parishioners individually; or whether—which he was inclined to think was the best course—an application should be made to the Court of King's Bench for a *mandamus* to compel the making of the rate." This is not my opinion, but the opinion of Dr. Lushington, sitting as a judge; and I am sure the House will now receive with respect, not what I urge, but what was written in a document bearing, amongst other signatures, those of Dr. Lushington and the Judge Advocate in their capacity of Church Commissioners. "This property," they say, "being a part of the rectory, is exempted from Church-rates, whoever may be the occupier. With this exception, Church-rates are imposed on principles so closely resembling the rules enforced for the making of Poor-rates, that no other substantial distinction can be discovered;" and they express an opinion that, "providing for this exemption as to Church property, we think it may be expedient that the Church-rates should, in future be made on the same assessment as the Poor-rates." I am sure that the House will receive with respect that, which is not matter urged by me, but deliberately written in a document laid upon the table of this House. I say that this is not my recommendation. It was a recommendation which bears attached to it the names of Chief Justice Tindal and some of the principal law authorities, together with the respectable names of the hon. and learned Dr. Stephen Lushington and the right hon. R. C. Fergusson. But if the hon. and learned Gentleman is still disposed to dispute the matter upon a point of law, although supported by these high authorities, I beg to read to him the opinion of another very high legal authority upon this subject. I allude to Lord Stowell, who in the month of November in the year 1809, spoke as follows upon a matter of Church-rates which was brought before him; and if it is possible for one form of words to lay down the law more clearly and indisputably than any other, I think that it is to be found in what I am about to read to the House. The noble Lord then read a paper to the following effect:—"When a presentation was made by one of the churchwardens of the Church of Shadwell, that the Church required to be rebuilt. Lord Stowell directed a monition to issue against the other churchwarden that the Church should be put into a proper state of repair;" and in March 1810, when this was not done, he said, "that the parishioners were bound in law to sustain the fabric of the Church, and that if this were not in a state fit to be preserved, another should be provided. This was an obligation which the law of the country laid upon them, and from which they could not be exonerated." Now I want to know whether the Attorney-General still adheres to the opinion he has laid down upon this subject, or whether he is prepared, in deference to these authorities, to abandon the position which he took up the other night? I am anxious to be satisfied upon this point, because I believe that the hon. and learned Gentleman is the only legal authority who has in this House laid down similar principles upon this subject. I now come to make a few observations upon something which fell from my hon. and learned Friend the Member for the Tower Hamlets, the other night; and I must say it struck me as a rather singular fact, that without disputing the law of the matter, the hon. and learned Gentleman thought it necessary to go back to the prescriptive right of Church-rates, which will carry us back to a very early period. I believe even that in the time of King Canute a sanction is on record to the levying of a Church-rate. But without going back to so early a period of history I come to the period before the Reformation, when the hon. and learned Gentleman tells us that the payment of Church-rates was looked upon as a type of adherence to the Church, and the refusal to pay them in the light of heresy. So important and indefeasible were these rates considered at that time, says the hon. and learned Gentleman, that the recovery of them was not intrusted to the ordinary courts of law, the proceedings in which were then feeble and dilatory, but to the Ecclesiastical Courts, which were most effectual and powerful. After the Reformation, my hon. and learned Friend observes, and apparently with surprise, there was no alteration made in the laws respecting Church-rates; he seemed to think that because Church-rates originated in Catholic times, it was quite inconsistent that they should be allowed to continue when the Protestant religion was the religion of the land. Now, so far from concurring in this feeling of surprise, I would ask, what stronger argument could we wish to adduce in supporting the indefeasibility of Church-rates than this, that whatever the religion of the country for the time being, whether Catholic or Protestant, the State felt itself bound to maintain the fabric of the Church at the general expense of the country? What can we say stronger than this that the Protestant Legislature has always admitted the same claim which their Catholic predecessors established? I admit that proceedings in the Ecclesiastical Courts have become in late years feeble and cumbrous in enforcing the law in this particular; and because this is admitted on all hands, I say that we ought to apply ourselves to consider, not what the law is, but the difficulties which stand in the way of enforcing it. Yet, if there is one proposition out of all that have been submitted in this House which has been more sneered at than another, it is that which has been suggested for establishing a more effective state of the law for the levying of Church-rates. Gentlemen may talk of consistency; but really they should, before they do so, be a little more careful to look back, if but for one short year, to the acts of the Government to which they belong. Sir, I hold in my hand a Bill, the title of which is a Bill for the Consolidation and Amendment of the Ecclesiastical Courts. This Bill contains, amongst others, the following clauses, namely, first, a clause, declaratory, that from the passing of this Act the jurisdiction of the Ecclesiastical Courts in matters relating to Church-rates should cease and determine, provided always, that all laws, canons, and customs now in force as to liabilities to Church-rates shall continue in force in the same way as if this Act had not passed, and putting the execution of those laws and customs into the hands of justices of the peace, as hereinafter to be mentioned and defined. The next clause gives no parties who may fancy themselves aggrieved by the decision of the justices of the peace an appeal to the quarter sessions. The following clause gives the justices of the peace powers to amend the Church-rate and adopt means to levy it more effectually; and this is followed by a clause authorising justices of the peace to issue warrants of distress for the levying Church-rates. I will not trouble the House with further details of this Bill, but I ask when was it introduced—by whom was it introduced? It was introduced at a time when this question of Church-rates was still pending before the House and the country—when the Report of the Ecclesiastical Commissioners was in the hands of his Majesty's Government. This Bill, giving an explicit sanction to Church-rates, giving additional force in their collection, was introduced, was discussed, was put through Committees in the House of Lords, and was brought up to this House last year; and who introduced it? The Lord High Chancellor of his Majesty under the present Government. There the Bill is; the facts connected with its history are on the journals of the House. Look at them if you please, and you will find that this Bill was brought up from the House of Lords, that it was read a first time, that its second reading was postponed seven times, and that it never went through any of its further stages, and was dropped.

The *Attorney-General* took the liberty of rising to remind the noble Lord that as he remembered, the Bill in question did not contain one word about making a Church-rate, but only as to the levying of it when made. There never had been a doubt as to the existence of a legal remedy for the levying of a Church-rate when once made, but he believed that there was no means to compel the making of a Church-rate.

Lord *Stanley:* Then I should like to hear from the Attorney-General whether he was carrying out the intentions of this Bill, whether he was a party to the introduction of this Bill, providing a more effectual mode of levying Church-rates, the legal validity of which he denies.

The *Attorney-General* rose, amidst cries of "Order, order! Chair, chair!" and cheering. Having at length obtained a hearing, he said: I rise to order. The noble Lord has misrepresented what I said. I never denied the validity of a Church-rate when made by a majority of the vestry in a legal manner.

Lord *Stanley* resumed: I must say this is the oddest way of enforcing order I ever experienced. But as this part of the subject does not appear to please the Attorney-General, I will turn to another. The Attorney-General was probably instrumental in framing this Bill. Now it is rather remarkable that I find amongst its provisions a clause empowering the justices of the peace in certain cases to set aside the rate, and to make an order on the churchwardens for the making of a new rate; and the churchwardens are, thereupon, hereby required to make the same accordingly. But really I have been led to dwell on this point by the interruptions I have experienced at greater length than I should have otherwise done; and in point of fact I do not think it bears much upon the arguments for or against this question, inasmuch as I have the admission of the Attorney-General, whatever the provisions of this Bill, that there is a legal obligation upon the parishioners throughout the country to provide a Church-rate, and that the only difficulty is in the enforcing of the law [" *No, no?*" from Mr. Hume.] The hon. Member for Middlesex says no. I shall leave him to argue that question with the Attorney-General, and proceed to the proposition now before the House. The Attorney-General rests this measure upon three grounds, in the propriety of which I fully concur. These grounds which we have to decide, then, are—first, whether there is any available fund of the sort described by the Chancellor of the Exchequer; secondly, whether that fund can be raised without committing an injustice to any of the parties concerned; and thirdly, whether, this fund being raised, the most proper application of it is that proposed by the Chancellor of the Exchequer? The Attorney-General admits that the argument in favour of this measure, failing in any one of these particulars, falls to the ground. The Attorney-General does not think it necessary, to say anything on the first point, he takes that for granted, he does not think it worthy of argument. Now, I must say that to me this point is one of very considerable interest. As it appears from the statement of the Chancellor of the Exchequer, that in the event of this supposed available fund failing the burthen of Church-rates is to be thrown upon the Consolidated Fund, it becomes a matter of very great importance and interest to me whether such an available fund be actually in existence or not. The next question is whether the fund, supposing it to be available at all, can be raised with justice to all parties concerned. The Church Temporalities Act for Ireland, to which allusion has been made as to a precedent, I beg to observe in the arrangements which it brought about was framed with especial regard to the interests both of lessors and lessees of Church property. Acting on the resolution of 1832, the Church cess was abolished in Ireland, and upon several grounds. One powerful reason was that it was levied upon a population the great majority of which dissented from the religion in support of which it was raised, and who by the law of Ireland were excluded from any share in voting, whether the rating should take place or not; another more powerful reason was, that this rate was absolutely not required by reason of the state of the funds of the Church of Ireland; but the most powerful of all considerations was, that there was this distinction between the state of the Irish Church, as by law established, and that of England, that it was subject to a specific charge from which the English Church was wholly exempt. In relieving the people of Ireland, therefore, from the payment of the Church cess, we abolished also the payment of first-fruits and tenths, and substituted a graduated-tax on benefices to meet the same charge. There was this distinction then, at any rate, between the Bill for the temporalities of the Church of Ireland and the present measure, which it would have been candid to have mentioned. Another remarkable fact is, that the Bill of Church Reform for Ireland was wholly unconnected with any compulsory restrictions about bishops' leases. I am aware that I have already trespassed at considerable length upon the patience of the House; and also that the point upon which I am now about to enter is one of long and wearisome detail. I am aware, therefore, that I stand much in need of the indulgence of the House, and I would not trouble them but that this is a point upon which I have been personally called upon to vindicate myself, and that it is important to see how far this resolution which is now proposed to us is borne out in principle by the Church Temporalities Act for Ireland. In passing that Act we took especial care to regard the interests and privileges both of lessees and lessors of church lands. With regard to lessors, we declared that they should be free to act according to their interests, and to renew the leases to their lessees on the present footing if they thought proper. We did not interpose between the lessors and the lessees another body dependant upon the Crown. We enabled lessees to accept the renewal of leases, and the

Church to grant them on a fixed rate of payment if they chose, and left them between themselves to the ordinary remedies between landlord and tenants, without attempting to set up any pretence, or controlling authority, or interference. With regard to the lessees, the course which was then pursued was not only different but diametrically opposed to that proposed in the present resolution—we made no attempt to impose compulsory terms of renewal upon them. The Irish Temporalities Bill was framed upon the principle of the strictest adherence to the rights of the lessees, and with a cautious abstinence from anything which could tend to place them in a worse condition than they were before the passing of that Act. Now, I ask, whether this is not a very marked distinction between the principle which was adopted in the framing of that measure and that involved in the scheme now proposed to us by the Chancellor of the Exchequer; and I ask whether I can fairly be accused of inconsistency because I acquiesed in the former measure, and refuse to agree to that now before us. But no one who attended to the question carefully and impartially could fail to see that there was a manifest difference between the principle on which the Irish Church Temporalities Bill was founded and the principle involved in the resolutions before the Committee. No one could avoid seeing, that by removing the lessees from under the control of a permanent ecclesiastical body, and placing them under a board of Commissioners, the lessees would be placed in a worse state than before. When the Irish Bill, therefore, was introduced, the Government of the day saw the difficulty; they saw the injustice which might be caused to the lessee by such a change, and they determined that the tenant should have the option of renewing the lease or not as he might see proper; but the present proposition was founded on no such principle, and to a certain extent destroyed the rights of the lessee. What did the Government propose by the present measure? They said, "We give the tenant the option of renewing the leases; but having taken the leases out of his hands, the first step will be to allow the lessor to run his life against yours, or you shall come to the terms we propose." That was the difference between the measure which had been adopted for Ireland and the plan now proposed for England. My right hon. Friend the Chancellor of the Exchequer said, the Church lands, by the proposed change, would be so much improved that a considerable surplus might be anticipated. Let me go to the question of surplus revenue, and see how that can be realised in England as it has been in Ireland. The premium on the rack-rent in England has been reckoned at seven or eight per cent.; and supposing a property worth 100*l.* at rack-rent, and the lease being run out, and the tenant applies for a renewal of the lease, he is now entitled to renew it on paying a fine calculated at twenty years' purchase; that is 5*l.* for twenty years? and my right hon. Friend calculates that on a perpetuity of 1,324,000*l.* by the new arrangement he will realise the sum of 516,000*l.* yearly, and that this sum may be raised without injury to the Church or the lessee. But how can this be effected? The Chancellor of the Exchequer says, he will allow the tenant four per cent. on the capital; while if the lease were allowed to run out it would be worth seven or eight per cent. But my right hon. Friend steps in and says, "No; the lease is not run out but on the condition that the tenant accepts four per cent. in place of seven per cent.," to which he is entitled. And that is the way in which an increase on the perpetuity is to be produced? Why, that is no increase at all. He tells us the perpetual annuity at present amounts to 334,000*l.*; he charges the lessees 316,000*l.* more, and if they accept the terms the consequence will be, that they can enjoy the property only on the condition of paying 650,000*l.* in place of 334,000*l.* Yet my right hon. Friend says, there is not a tenant who would not willingly agree to the proposition. One word more with regard to surplus revenue, because I have been told that I entered on the plan adopted for Ireland on the principle of raising a surplus by the improvement of bishops' lands. I did; but on a very different principle from that on which this measure is founded. The surplus revenue then was to be raised on the Church property, by letting the land at a marketable price, and on the voluntary free offer of the tenant to pay a certain increased rate on the renewal of the lease. The plan, as regarded bishops' lands, was precisely the same as that adopted on leasing other property of any description. The valuation was made in the regular usual way; it was a mere calculation of the value of the property, of what the tenant could afford to give, and while the rent was raised there was still a certainty of his keeping possession of the property; but there is nothing of that kind in the present scheme, because the calculation is founded on the difference of the price for a perpetuity at four per cent. and a perpetuity at seven per cent. In bringing forward the Irish Temporalities Bill, a question arose as to whether the rate should apply to Church lands as to other property. I contended that it should not, and that a power should not be granted to the lessee, which the lessor had not the right of giving. I raised the argument on discussing the probability of increasing the value of the land, and was not aware that an improper use would have been made of the arguments which I adduced. Those arguments at the time were lauded to the skies by Gentlemen on the other side of the House, because they were interpreted to convey admissions which Lord Grey's Government never intended; and what did Lord Grey's Government intend to do? We said, we differ from your opinion, and because that part of the plan might be made a handle of accusation against us, we will not subject ourselves to it, and sooner than run the risk we will withdraw it; and it was withdrawn because I would not sanction the principle, for having sanctioned which I have been denounced by the Attorney-General. Now, with regard to the security of Church property; but, indeed, it is only a waste of time to speak of that. In Ireland, it is well known the bishops' lands are in a lamentable state; the land is so ill cultivated that it was easily distinguished from land belonging to laymen, and there was an absolute necessity for some change. The security was considered so bad that little money was expended in improving the property. But is that the case in England? Do the lessees here consider their possession so insecure that they will not risk laying out money on improving the land. Why, the Attorney-General told us, that the possession was considered so insecure, that the Church lands cannot be sold in the market, and if he staked his reputation as a statesman on that point, as he had staked his reputation as a lawyer on the question as to the power of the vestry to levy rates, I am inclined to think not much weight will be attached to it. The Attorney-General said, the insecurity of Church property was such that trees were not planted on it, and that the British oak was too noble a tree to flourish on a servile soil. I admit that, in some instances, that may be the case; but I apprehend that, in most cases, the security is considered so good, and that it is so intermixed with fee-simple property, that the tenant hardly knew the different limits. The hon. and learned Member for Kilkenny dissents from this. [Mr. *O'Connell:* I have not said one word.] I beg the hon. and learned Member's pardon; but I see so imperfectly across the House, that I trust my badness of sight will be admitted as an excuse for the error. Why, the property was considered so secure that freehold property intermixed with it was often purchased by the same tenant for the purpose of joining them into one estate. But there is no meeting Gentlemen on that side of the House. The security of the property is denied. The Attorney-General admitted, that the drawing-room of the lessee was not unfrequently on Church lands, and the dining-room on other lands: while the noble Lord, the Member for Northumberland, contended that by this plan the lessee would be delighted with the acquisition which he should obtain by increasing the security of the property. I now come to the last point, and that is the most important point, the application of the surplus, if surplus there should be. The great question was, whether the Church ought to be maintained out of the general funds belonging to the State. One hon. Gentleman on that side of the House said, no doubt it ought to be maintained out of the general funds, if funds could be found to answer the purpose, but he objects to have it maintained out of the Consolidated Fund, on account of the conscientious scruples of the Dissenters. Will the Government agree to that. They say, "we will not take money out of the Consolidated Fund," and turn round and say, "why not take money from Church lands for ecclesiastical purposes?" Their answer is, "why this is an ecclesiastical purpose." Now really this reminds me of a story which I heard, last evening, from an American gentleman, and which, with the permission of the House, I will repeat. He was walking at New York near a store. He saw an American go into this store. The American wanted some biscuits which he saw. "What's the price?" said he, "Three cents," was the answer. Well, he took the biscuits. Then he called for a dram: "And what," said he, "may be the price of this?" (when he had drank it). "Three cents," was again the answer. "Well; but you have not yet given me the three cents for the biscuits." "But I have not got three cents," said the American; "so I'll give you your biscuits." "Why," said the storekeeper, "you never paid for the biscuits." "No," was the rejoinder; "and why should I? I have not yet ate them." There really is an analogy between the two cases; and this is what is called providing for the funds of the Church out of the funds of the State. This is exactly the argument of those who advocate the present measure. My noble Friend (Lord John Russell) admits, that it is the duty of the State to maintain the Established Church; and the hon. Member for Weymouth points out, in strong terms, the necessity of supplying religious instruction to the people. Now, is there any man who will say, that there are adequate funds to be derived from Church revenues for such a purpose? What is the amount of Church accommodation, an hon. Member had asked the other night, in the neighbourhood of St. Paul's? What is it in other places? I will not speak of Manchester, because my right hon. Friend has defended that town, and described it as containing the most moral population in existence; but, putting Manchester aside, I know large districts where there is not Church accommodation for one in twenty-three of the inhabitants, and then let the House think that in the manufacturing districts, sometimes additional hands to the number of 80,000 are required in a single town, making the population amount to 300,000. Yet while there is such a demand for religious instruction the Government said, "We will not grant any money out of ecclesiastical property for that purpose, but we will take a portion of the ecclesiastical revenues to repair Churches, in order to relieve the landed proprietors of burthens to which the land is liable." And here I must say, that my noble Friend last night in discussing the plan adopted a course which I think showed anything but decorum in a Minister of the Crown towards the heads of the Church who were associated with him in the Commission. I must say my noble Friend let fall some expressions which I hope he did not seriously intend. He reproached the dignitaries of that body because they did not concur with him in reducing the incomes of the bishops to the level which my noble Friend wished. What did my noble Friend mean by the allusions to 15,000*l.* a-year, and 10,000*l.* a-year, as large sums for the payment of the hierarchy? What else did he mean than to point out that these were funds on which he had his eye, and which he would lay hold of the first opportunity, and that he could not sanction the application of any of the general revenues of the country till these incomes were reduced? My noble Friend said, he had assented to the arrangement for the sake of peace and harmony, and then proceeded to speak of the change which had been made in the see of Durham, merely using that as a peg on which to hang his argument for applying a similar rule to all other dioceses. I will, in conclusion, say that the whole plan is impolitic as regards the Church; that it is unjust towards the lessees, and that the calculations are doubtful; and that on these grounds I have no hesitation in giving a decided negative to the resolution—as strongly as I negatived the proposition for appropriating any of the Church property in Ireland to secular purposes. The hon. Member for St. Andrew's has proposed an amendment to the effect that it would be expedient to apply any surplus of Church property to spiritual purposes. And I thought I understood the hon. Member for Weymouth to say, that if such a resolution as that proposed by the hon. Member for St. Andrew's were acquiesced in by this side of the House, he would support it, rather than the resolutions proposed by the right hon. the Chancellor of the Exchequer. Sir, I speak only for myself. I am not prepared to affirm all the propositions contained in the resolution of the hon. Member for St. Andrew's. I am not prepared to affirm that there is the surplus revenue which that resolution declares there is; but if there be that revenue, I am quite prepared to say, that there is no object to which I would sooner apply that revenue, than to the purpose intended by the hon. Member for St. Andrew's; and that if it be possible to frame his resolution so as not absolutely to affirm the existence of that which we are not prepared to affirm—at least which I am not prepared to affirm—I am prepared to affirm, that if that revenue can be obtained it should be applied according to his resolution. Let me observe, however, that if the hon. Member for St. Andrew's votes for the application of the revenue comprehended in the resolution proposed by his Majesty's Ministers, he will vote for that which, through all time and eternity, will prevent the application of the revenue to the purpose which he recommends. I must say, that on this point the hon. Member for Weymouth manifests some inconsistency. He contends that the application proposed by the hon. Member for St. Andrew's is the right application, and yet he admits that he will vote for the resolution of his Majesty's Ministers, which renders that application for ever impossible. But that inconsistency is nothing compared to the inconsistency of the Member for the North Riding of Yorkshire. The hon. Member for the North Riding of Yorkshire argued at considerable length, that the resolution proposed by the right hon. the Chancellor of the Exchequer involved the grossest injustice to the lessees of Church property, and was founded on the most erroneous calculations; and he finished his speech by saying, "I support the proposition of his Majesty's Ministers." With a confusion of metaphors, as inconsistent as the conclusion of his speech was with the whole of his argument, the hon. Gentleman talked of wheedling and of blowing up. Let me guard hon. Gentlemen who are friends of the Church from being wheedled by the proposers and supporters of the resolution under our consideration, until the match is applied to the national establishment. I warn them not to vote for a principle which they must feel to be in the highest degree objectionable, in the hope that by subsequent negotiation they may obtain an advantage for the furtherance of some particular political object about which they are anxious. The measure is an unjust measure. I deprecate the attention of parties to their own individual interests. I entreat them to look at the general interest. If the friends of the Church Establishment think that that establishment is in danger—if they believe that the fabrics of the Church are exposed to the risk of falling to ruin without any means of repair—if they see the probability of an attempt to introduce the voluntary principle—if they are satisfied that the course adopted by his Majesty's Ministers will lead to the infliction of these and other evils on the community, I call upon them, as I called upon the lessees of Church property, not to look at individual interests, but to combine their efforts for the purpose of preventing the separate injustice with which all parties are threatened. Sir, I most distinctly say to the friends of the Church Establishment, that I firmly believe this to be the last opportunity for making a stand in defence of that establishment. I am firmly convinced, that if they yield on this point, concession after concession will be extorted from them, until not a shadow will remain of the national establishment; until persons of all religious persuasions will be placed precisely on the same footing; until a perfect equality is established in the endowment and support of all religions and no religion. If, therefore, the people of England are determined to maintain inviolate the institutions to which they have been so long and so warmly attached, they will re-echo the no with which I meet the resolution proposed by his Majesty's Government.

The Chancellor of the Exchequer and Mr. Wason rose together. After a few minutes of confusion, mingled with loud cries of "Adjourn, adjourn!" and "Divide, divide!"

Mr. *Wason* stated, that he must put in his claim to be heard after the right hon. Gentleman had concluded. If that claim were denied, he would move the adjournment of the debate.

The *Chancellor of the Exchequer:* The hon. Gentleman will pursue whatever course may seem to him most proper; but as I am anxious to reply to some of the observations which have been made on the measure I have brought forward, I will now, with the leave of the Committee, proceed to do so. Hon. Members need not be apprehensive that my speech, on this occasion, will be a long one. The House may be perfectly sure, that I am too sensible of the indulgence which I am continually experiencing from the House. But, undoubtedly, I should be most unwilling, after the speech of my noble Friend, that the House were to go to a division on this question without an attempt on my part to remove some of the misrepresentations into which my noble Friend has been betrayed. My noble Friend has stated, that he considers this to be the last opportunity that will be given to the friends of the Church to defend the Establishment. My noble Friend will at least recollect, that if in his judgment this is the last opportunity that will be afforded to the Friends of the Church to defend the Establishment, it is far from the first time that it has been extended to them. It was given on the occasion of the repeal of the Test and Corporation Acts—Acts which, at the time, were said to be the bulwarks of the Church. It was given in the various discussions on the question of Catholic Emancipation. It was given during the debates on the Reform Bill. It was given during the progress of my noble Friend's own measure, the Irish Church Temporalities Bill. On each and all of these occasions, but especially the last occasion, the friends of the Church were brought forward, not by my noble Friend, indeed, but against him, to "make their stand." On that, as well as on former occasions, both my noble Friend and myself, disregarding the cry, voted together, and we triumphed. He must excuse me, therefore, if I now maintain that this resolution is one which does not damage or endanger the Church; that the cry as to her danger is not more reasonable now, than it was at that period; and if I take the liberty to persevere in the motion which I have proposed for the adoption of the House. Towards the close of his speech, my noble Friend adverted to the principles on which he founded his opposition to my resolution. My noble Friend said (and if he could make out his proposition, I should concur with him in denouncing this resolution), that the effect of it would be, that the Church would be abandoned; that the fabrics will be allowed to fall in ruin; that the voluntary principle will be affirmed. Those were my noble Friend's three propositions on which he grounded his resistance to my resolution. I appeal to the House whether every one of them is not expressly negatived by the very terms of that resolution? How can my noble Friend contend that it menaces the Church Establishment, when the first half of it is devoted to affirm the principle, that a fixed and permanent allowance must be made to maintain the Church? Again, how can my noble Friend contend that it is intended to allow the churches to fall into ruin, when the resolution substitutes for their maintenance and repair a certain and permanent charge, for a charge which I shall presently show is uncertain, doubtful, inapplicable, and in every way inferior? How, I again ask, can my noble Friend contend that the voluntary principle is about to be introduced? If so, then the resolution would be, "that Church-rates should be abolished." But, Sir, what becomes of my noble Friend's argument if the three propositions on which he founded that argument, are thus shown to be utterly groundless? What becomes of my noble Friend's appeal to the friends of the Church? But, Sir, this appeal has already been made to the country; and it has been found that an appeal is not always made to quarters in which it can be regarded. This appeal has been the cause of the numerous petitions which have been presented against the measure. It was made before the nature of the plan was known. Before the nature of the plan was known, meetings for the purpose of opposing it were called by the Archdeacons all over the country. At those meetings resolutions were passed approving of the principle, but founded on the unjust assumption, that it was the intention of his Majesty's Government to abolish the Church-rates without providing any substitute for them. I will not say a word against the petitions which we have received on the subject; but which some hon. Gentlemen have challenged us with manifesting disrespect to, by persevering in our measure. Founded, as those petitions are, on mistaken views of our intentions, I heartily rejoice at their prayer —a prayer against a proposition which has no existence. Founded, as they are, on the supposition that it was intended to abolish the Church-rates, without providing any substitute—so far from condemning, I heartily rejoice at witnessing, their number. It is obvious that the feeling of the people of England is in favour of maintaining the security of the Established Church. But, Sir, whatever may have been said about Church-rates out of doors, it has not been said within these walls. It appears, upon the admissions of almost every body here, who has spoken on the subject, that the present state of the law on the subject cannot advantageously be allowed to continue. The system of Church-rates cannot be defended within the walls of Parliament. In the early part of his speech, my noble Friend imputed to us that we had, during the last two years, been practising a delusion on the people, and especially on the Dissenters. What delusion did we hold forth to the Dissenters? Did we not tell them, that we could not adopt their principle in the repeal of the Church-rates? Did we not hazard losing the support of that powerful body by the declaration? If we are charged with creating delusions on this subject, we may defend ourselves by answering that similar imputations may be thrown on the conduct of the Gentlemen opposite. If we are stigmatised with having held out fallacious expectations respecting the Church-rates, let me ask if the right hon. Baronet, the Member for Tamworth, did not, in the speech which he advised to be made from the Throne, and in his own speech, in the year 1835, hold out expectations to the Dissenters of relief from the grievances of which they complained? If the right hon. Gentleman was justified in holding out such expectations, were not we? An appeal has been made by the right hon. Baronet to the nobility, and other landed proprietors of this country, not to remove the burthen of Church-rates from their own shoulders. If the House will favour me with their attention, I will show them the grounds on which the question of Church-rates was placed in the year 1835. The noble Lord, the Member for Liverpool (Lord Sandon), in moving the address at the opening of the Session of that year, said:—

> "With regard to Church-rates, I conclude, from the language which the right hon. Baronet now at the head of his Majesty's Government, has recently held to his constituents, as well as from the sentiments expressed by him upon that subject in the last Session of Parliament, when he ranked among the Members of the Opposition, that the only difficulty that can occur to him as to the mode of achieving a settlement of the question, must be mere difficulty of detail. It must be remembered, that Church-rates constitute one of those burthens which press particularly upon the land; and as the burthens which bear more exclusively upon the agricultural interest have been especially alluded to in his Majesty's speech, it is not improbable that the burthen of Church-rates is included amongst them. I cannot take upon myself to say that it is so; but, knowing that the burthen of Church-rates is one of which the agriculturists greatly complain, I cannot help regarding it as one that will come under the consideration of his Majesty's Government."*

Now, observe, we have been challenged with practising a delusion in dealing with this matter. Yes, it thus appears, Sir, that in the year 1835, relief from the burthen of Church-rates was held out by the Gentlemen opposite, as a measure of relief to agriculture. It was not spoken of as a measure of relief to the Dissenters, but wholly as a measure of relief to the agriculturists. I know perfectly well, that the right hon. Baronet was not responsible for the speech of the noble Lord, the Member for Liverpool. But in the right hon. Baronet's reply, on the same occasion, I find the following passage:—

> "It is well known that I supported the measure brought in by the late Government for the transfer of the Church-rates to the public revenue. That measure has met with great opposition from the Dissenters. I, for one, cannot agree to the extinction of Church-rates. I think that there is an obligation on the State to provide for the repair of churches."

So do I.

> "But I also think that the charge of providing for that repair, bears very unfairly on the land, and that subject is one which I had in view when, in the King's speech, reference was made to 'a method for mitigating the pressure of those local charges which bear heavily on the owners and occupiers of land, and for distributing the burthen of them more equally over other descriptions of property.' An interpretation has been put upon that paragraph, which is by no means intended. No new mode of general taxation is meant by it. It has a special reference to the Report of the Committee of last Session on County-rates, and to the relief of the agricultural interest from certain local burthens, of which the Church-rate is one."*

If, Sir, we are to consider this question of Church-rates with a view to do justice to all parties, I stand on higher ground than merely affording relief to agriculture. But, in 1835, the measure recommended by his Majesty's Government of that period, was not of relief, like that which we recommended, to the consciences of the Dissenters; it was merely a relief to the agricultural interest. I will now, Sir, endeavour to follow my noble Friend in some of his observations. He asks, to whom the surplus fund, which we expect to realise from the improved administration of the Church estates, belongs: to the Church, or to the State?

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* See Hansard, Vol. xxiv (Third Series), p. 156.

* Ibid., p. 237.

If we answer "to the Church," then my noble Friend is prepared to charge us with applying that which belongs to the Church, to other than ecclesiastical purposes. If, on the contrary, we answer "to the State," my noble Friend then turns to the Dissenters, and wishes to know whether they will consent to be so deluded; for that they will then contribute as much to the support of the Church of England as if the money were paid out of the Consolidated Fund. I will answer my noble Friend in his own words. But, Sir, I do not think the Dissenters will listen to my noble Friend's suggestion. They see the distinction between the two cases, and they are perfectly satisfied with the proposed plan. I am not going to the question of the voluntary principle. I hope, however, that my noble Friend will not deny this to me, that the effect of altering the terms of leases, will be to give an increased value to that property by the Act of Parliament. With these premises, in reply to the question, whether this property or increased value belonged to the State or to the Church, my noble Friend, in February of the year 1833, said:—"Whatever the increased value is, you give it to the Church. She does not possess it without an Act of the Legislature; and I ask, if you, by your Act, give an increased value to Church property, has the Church any right, or can she have any claim to say,—it is to me you must pay this increased value?" And then my noble Friend said, "To whom, then, shall be the benefit of the payment? The right hon. Baronet, the Member for Tamworth, says, to the Church; I say, to the State." Now, I contend, upon the premises, that as we are going "to give an increased value to the property," and "by an Act of the Legislature," the conclusion necessarily follows, that it "does belong to the State." The House have declared their assent to that principle, and hon. Gentlemen are not to be deterred from following out that principle in giving their support to this measure, by anything that has fallen from hon. Gentlemen opposite. But I consider, that a great delusion has been created by the use of the word "State," for hon. Gentlemen seem to think that there is no State provision for the wants of the Church, unless in the shape of Church-rates. I deny that proposition altogether; and I say, that there is as much a State provision for the repairs of the Church, as for any other object. I will take the case of the administration of justice. At the present moment, the whole bench of our judges are paid by fixed salaries (not by fees) chargeable on the Consolidated Fund. That, then, is a State establishment. But, suppose you were to abolish all those courts, and pay them by fees under an Act of Parliament, levied from suitors in the courts established in their stead, will any man tell me that that would not be a State provision for these judicial functionaries in the one case as well as in the other? I have heard it said, that the plan which I have had the honour to submit to the House, is a sort of *hocus pocus* juggle; and it has been asked, not only in this House, but elsewhere, "Whoever heard of a party of four persons sitting down to a game at whist and all winning?" If I could appeal to an eminent man of high mercantile character, of unsullied integrity, known and respected all over Europe—if I could find such a character in the person of one in high station, and I found that he would contend that it was impossible for the two parties to rise winners from the same game, I should like to know on what principle commerce was founded—how trade is carried on between the buyer and seller? So, in matters of a financial nature, is not the repeal of a portion of a tax, and the drawing an increased revenue from the increased consumption of the article taxed, a case in which both parties may be said to be gainers? Now, most hon. Gentlemen are aware, that there is a large estate in the vicinity of the metropolis, belonging to the see of London, and called the "Paddington Estate," Paddington Fields. There was a property belonging to the see of London under the existing law of the land. An Act of Parliament was subsequently passed, altering the previous state of the law, and giving to the Bishop of London greater and much better leasing powers. How does that case now stand? That estate is covered with good houses, squares are built upon it, and improvements are going on daily. Now, I should like to know, whether this increased value was not given by an Act of Parliament? Are not the tenants gainers? Are not the public at large benefited? Then, I say, if my position is to be dealt with as a mere *hocus pocus* affair, as it has been called by the hon.

Member for Bassetlaw (Mr. G. H. Vernon), I have some authority for the course which I pursue. There is one point to which my noble Friend referred, and to which I beg leave to revert, even after his denunciation of the plan, and after the advice that he spoke under high professional authority; I say it goes to the essence of the thing. The question is, whether there is any power, residing anywhere, of compelling a vestry, which has refused to make a Church-rate, to make that rate? We wish to substitute a certain for an uncertain provision for Church-rates. I take the liberty of asking, with all humility, one and all of the learned Gentlemen whom I see opposite, of all the courts of law, and equity, and the civilians, if they will be so kind, in their learning, and in their great experience, only to produce me one single case since the Reformation (for I give him the whole period), in which a rate having been refused by the vestry, there has been any interposition of a higher authority to compel the vestry to make such rate? Does any such case exist on the books? If no such case can be shown to me, my case is complete.

Dr. *Nicholl* begged to refer to a case which had occurred in 1799 (the case of Gordon and another) when an appeal was made against a rate made by one churchwarden, after a vestry had refused to make the rate. The party was sued in the Court of Peterborough; the court affirmed the rate to be good, and ordered payment to be made. This rate, be it observed, was made by the churchwarden after the vestry had refused to make it. An appeal was then made to the Court of Arches, and the late Sir William Wynn (a high authority upon all ecclesiastical law) affirmed the sentence of the court below, with costs, and ordered the rate to be levied and paid.

The *Chancellor of the Exchequer*: I am willing, then, for the present to assume the law to be as stated by the learned Civilian; but, to my unlearned ears, it seems a distinction should be drawn of this sort. I rather apprehend that there is a great difference between an appeal against the legality of the rate when made, and an appeal to compel the making of a rate.

Dr. *Nicholl* recapitulated the facts. Application was made to the vestry for a rate, and they refused to make it. The churchwarden then made the rate on his own authority. After the rate was made he applied for the payment of it to a certain individual, who refused to pay it. The party was held liable to the rate in the Court of Peterborough; and upon the appeal being made to the Court of Arches, the Dean of the Arches affirmed the sentence.

The *Chancellor of the Exchequer*: I can assure the hon. and learned Gentleman, that I am perfectly satisfied that he would not, for a momentary triumph in a debate, make any statement, except in the perfect conviction of his own mind, as to its application. Will he, however, allow me still to doubt the bearing of the precedent he has quoted on the proposition I have so broadly advanced? In that case, it appears that there was a rate made by one churchwarden; that, though the vestry refused to levy it, it had been made by that individual. My proposition regards the absolute absence of any legal power to compel the making of a rate, and the Arches Court held the churchwarden a competent authority to make it. Now, whether that case applies to rule all other cases of this nature or not, I must beg to reserve for future consideration; but, at present, I wish the Committee to observe that, even assuming this to govern the question, as far as it goes, it is yet the only one on the books; and, from the facts of that case, it appears that, by the adjournment of the vestry, the whole question of the making of the rate was got rid of. Again, if there be this remedy, how great must be the defect of the administration of the law which supplies it, or how great the negligence of the courts which apply it, if it has never been resorted to! How great must have been their remissness, who, having the power to remedy the evil, have allowed it to continue! Then, Sir, I have another authority as to the power of vestries. I could mention another case, in which the question was, whether persons inhabiting the King's palace were bound, or not, to pay this rate. But I have one authority more to show the power of a vestry to refuse the rate. The right hon. Baronet, the Member for Tamworth, on the discussions on the Irish vestry cess, said, "that he considered that impost to be of a very different character from that of church-rates; because the latter is dependent on the volition of somebody else besides the Church." The right hon. Baronet said, that this volition was, most properly, in the rate-payers. At this hour of the night I shall certainly not trouble the House by going, at length, into an examination of the figures with which the right hon. Gentleman illustrated his statement, though I could have desired to do so; but I trust that the majority of to-night will afford me future opportunities of discussing them. I could, nevertheless, have wished, with very great respect to him, to have pointed out one or two errors which the right hon. Gentleman has fallen into. It was very natural that he should do so, seeing if it be not presumptuous in me to say so much, I should certainly have fallen into it myself, if like the right hon. Baronet, I had only had the papers put into my hands on the morning of the day on which I was to make use of them. At any rate, I have the high authority of the hon. Member for Bassetlaw (Mr. Harcourt Vernon) to justify my anticipations as to the productive nature of the fund which I propose to the House to deal with on this occasion. My noble Friend (Lord John Russell) has been charged with manifesting an unbecoming and disrespectful manner, in adverting to the Church Commission, of which he was, himself, a Member. If the noble Lord (Lord Stanley) had recollected, however, that what my noble Friend said of it, was said in reply to an attack which had been made upon him, I think the noble Lord would have somewhat moderated the expression of his displeasure. The hon. Member for Bassetlaw has accused my noble Friend of having "made an utensil" of this Commission: to which my noble Friend replied, that he thought himself entitled to complain that the Commission had made an utensil of him. I must acknowledge, that I could have wished more moderation had been displayed by our opponents in speaking of the measure now before the House, than they have evinced in recent instances. I allude, more particularly to certain statements, relative to it, which have been printed and widely circulated; statements calculated to produce an untrue, but a deep and lasting, impression on the minds of the people of England, and put forth under the authority of names to which I must suppose that they are erroneously attributed. My noble Friend (Lord J. Russell) has been censured by the noble Lord, the Member for North Lancashire, on the ground of having submitted two plans to Parliament, fraught with the principles of destruction to the Established Church. Is it not too much that we should be told, that this scheme which we now bring forward, is a scheme of "sacrilegious robbery"? Yet such are the aspersions that have been incessantly heaped upon us out of doors. I rejoice, however, that no such words, and no such imputations, have found their way into this House, in the course of this debate; for, on the contrary, the tone and temper in which the subject has been introduced by the right hon. Baronet, the Member for Tamworth, gave an earnest and example of the tone and temper observed by the learned Recorder, and by other hon. and learned Gentlemen who have followed him; and, had it not been for the warmth which has been displayed on the present occasion, if it had not been for the *tristes Amaryllidi iras* which characterised the debate for a time, the mode in which the whole of this question has been discussed, has been one that, in every respect, has reflected much credit on all parties concerned. I do hope that, in the opinion of, at least, a great majority of this House, it will be shown, to-night, that this measure is not considered to be one of sacrilege or robbery; for, I am convinced that, if it had been so, nothing would have prevented the Commission from being stigmatised as, in that case, it would have deserved to be. It was not intended, and I deny its being intended, as a bribe to the Dissenters (for such it was said to be in the course of the debate). The pacification of the Dissenters (in respect of an undoubted grievance, which had naturally excited much irritation among them) was only one of the objects we contemplated. Our great object in this measure was to promote, among all classes of the people, religious peace. I do not believe that, if the people of this country were all members of the Established Church, the system of church-rates, and the noise and disturbance which it creates, could go on unmitigated or uninterfered with by the Legislature. I believe that the annual discussion of money votes, in open vestry, is a test to which we ought not lightly to expose the Established Church. I, therefore, supported this measure not only in justice to the Dissenter, but in justice to the Established Church. The right hon. Baronet has thrown out various suggestions, and especially as to the postponement of our decision till the calculations and other papers to which I have adverted shall have been laid upon the Table. But I do hope that the Committee will now support the plan submitted to them, and that this will, by their aid, be carried into effect, in the spirit in which it was framed, and has been propounded. I trust it will give to the great people of this land, of all religious denominations, if not that blessing "the unity of the spirit," yet, at all events, "the bond of peace," and insure unity of feeling.

Lord *J. Russell* would only detain the House a single moment. It appeared to him to be the wish of the House, that the debate on this Resolution, should close that night. If that were the wish of the House, to which he was very ready to accede, he hoped that if there were any hon. Members who wished to explain the reasons on which they gave their vote of that night, the House would permit them to enter into that explanation.

Mr. *Wason* endeavoured, unsuccessfully, to obtain a hearing. We understood him to contend, that the conclusions of Sir R. Peel, were not justified by the calculations into which that right hon. Baronet had entered on a former night, and to promise the House that, on a future occasion, he would show that if the bishops would apply to their own enormous tenures the same rule which in the Ecclesiastical Report they had proposed to apply to the property of the deans and chapters, a fund would be provided whereby the spiritual wants of 1,625,000 persons might be supplied upon the scale laid down by the bishops in their own report.

At the close of this speech, there were reiterated cries for the division, and much confusion.

Lord Dudley Stuart moved, that the Chairman report progress, and ask leave to sit again.

Mr. *George F. Young* seconded the motion, stating that he should not be performing his duty to his constituents, if he did not lay before the Committee their opinions and his own upon this Resolution. He had risen frequently to address the Committee, but had not been successful in obtaining a hearing, and he knew that not only were all the Members connected with the county of Durham anxious to be heard on this question, but also many other hon. Members from other parts of the country, whose constituents were lessees of Church property. The noble Secretary for the Home Department, wished to put a restraint upon the freedom of debate, by not granting to hon. Members, who had the right, permission to speak on this question.

Lord *J. Russell* had no wish to restrain any Member's right of speaking; but seeing that it was the general wish of the Committee to close the debate that evening, and knowing that there were many hon. Gentlemen most anxious to explain the grounds on which they were going to vote that evening, he had wished to persuade the Committee to give them the hearing which they required. He had not wished to put any restraint on their speaking. Quite the reverse. He left it completely to the Committee to decide, whether they would adjourn the debate, or take the further discussion of it now.

Mr. *Hedworth Lambton* declared, that he was anxious to state the case of his constituents to the House, and to explain the reasons of the vote he was about to give. He had attempted to obtain a hearing several times during the discussion of the last four nights, but had always been unsuccessful. He knew the difficulty of attempting to gain a hearing for his constituents at that late hour, and therefore he had adopted his present course.

Mr. *Harvey* said, he felt most anxious to address the House upon this great question, and had frequently attempted without success so to do. At the same time, he felt he could not do so with any advantage or satisfaction at that hour of the morning, and after a debate which had already extended over four entire nights. Nor could he venture to support the motion of adjournment, upon the plea that he had something altogether new to advance. That was a kind of arrogance he was not prepared to assume—yet, if he did so feel disposed, he should confidently rely upon the support of all the Gentlemen who had spoken, scarcely one of whom had not repeated what had been before, if not better, said. This they would do as a compliment to the attention he had paid to them. Indeed, so far as novelty was a guide, he thought that at least three hours of every four had been completely wasted. He hoped, therefore, hon. Gentlemen would agree to proceed to a division, and as consistency had once more, judging from the debate, become a political virtue, and being anxious to preserve his own, he desired it to be expressly understood, that in voting for the Resolution of the Government, he only gave his support to that portion of it which affirmed the speedy and total abolition of Church-rates; the mode of providing a substitute remaining an open question.

The *Chairman* said, that before the Committee went to a division, it was only fitting that it should be informed that the question before it would be the noble Lord's proposition, that the Chairman report progress and ask leave to sit again. [*Cries of Go on.*]

Lord *Dudley Stuart* proceeded to address the Committee. We understood him to explain the grounds on which he had made the motion which had just been put from the Chair. He was anxious to state the reasons for the vote he was about to give; and he thought that he could do it in a few words. The debate had now lasted four nights, and on three of them he had endeavoured, but unsuccessfully, to address the Committee. He had also endeavoured to explain his sentiments in presenting a petition from his constituents, from whom he had the misfortune to differ upon this subject; but on that occasion the Speaker had interfered, and had told him, when he attempted to explain wherein he differed from, and wherein he agreed with his constituents, that he must sit down and reserve that explanation for another opportunity. Doubting much his power to attract the attention of the House for many minutes at that late hour, and feeling it to be his imperative duty to himself and his constituents, to state the opinions which he entertained on this subject, he thought that the best course he could pursue to accomplish that object was to make the motion, which he had done; and he had been the more inclined to pursue that course, from seeing the Chancellor of the Exchequer rise to reply after the hon. and learned Member for Ipswich had given notice, that he (Mr. Wason) was anxious to speak before the right hon. Gentleman. He was compelled by a sense of duty to inform the House, that he must, on this occasion, record his vote against the party with which he had so long and so cordially acted. The noble Lord then read a long extract from the Report of the Ecclesiastical Commissioners, for the purpose of showing that there was a vast deficiency of Church accommodation for the poorer classes of the community. He then expressed his surprise, that those Members of his Majesty's Government who had signed their names to that Report, could reconcile it to their honour and conscience to support a Resolution which would cut off every means of supplying that deficiency. It was said, that this Resolution would promote religious peace. If he could be convinced that it would have any such effect, and he was sure that it would not, he would support it; but instead of promoting peace, it would promote religious discord and dissension. When the Dissenters had gained this point, they would seek others, and would never be contented until they had destroyed the Church Establishment. He looked upon this measure as the first step to the voluntary principle, and he should, therefore, meet it with the most strenuous opposition.

Mr. *Hedworth Lambton* said, that from the deference he felt to the wishes of the Committee, he should not press his opposition. He hoped, however, that he should have an opportunity of explaining the situation of his constituents in the county of Durham when the Report was brought up. It would be impossible for him to do justice to their cause at that late hour of the night, and he, therefore, would not injure it by commencing it.

Mr. *Ingham* wished to bring under the notice of hon. Members a simple fact, which he thought ought to be known to them before they proceeded to a division on this question. The noble Lord, the Member for Northumberland, in making a statement the other night for the purpose of showing the insecure tenure of Church property under the see of Durham, observed that there was a most marked contrast between the towns on the north and those on the south bank of the Tyne. On the north bank of the Tyne, he said there were stately buildings, large manufactories, progressive improvements of every description; whilst on the south bank, owing to the leasehold tenure of the land under the Church, all the same opportunities for improvement were neglected and thrown away. He had the honour of representing the great commercial town of South Shields, which was situated on the south side of the Tyne, and he could say, that all the houses and public buildings of that great and flourishing town were built upon land held under the Church on leases for twenty-one years. The noble Lord had also made another assertion with respect to that town, which was as destitute of foundation as that which he had just exposed. The noble Lord had said, that in consequence of the Church being the landlord of that town, the Church had become so odious to the people that the number of Dissenters in it had increased prodigiously. He would mention one circumstance to the House which would show how the case really stood. At the beginning of the present century there was only one Church in South Shields. Now there were four. Two of them had been built and endowed by the singular munificence of the dean and chapter of Durham. The third had been built by voluntary contributions among the inhabitants, and had been endowed in a similar manner. The Church of Durham had exercised its functions as a landed proprietor with great moderation and fairness; and when land belonging to that Church was built on, no fine was taken from the party so improving its value at the two first periods of renewal. He also contended that all the elements of commercial prosperity were found in as active a state on the south as they were on the north bank of the Tyne. Indeed, he was prepared to assert that they were found in greater activity. On the north bank of the Tyne, there were no great manufactories, but on the south bank there were the glass manufactories, the alkali manufactories, and others which he would not weary the House by enumerating. Such being the case, was it not strange, that the noble Lord should have ventured upon a statement which was scarcely correct in a single particular?

Mr. *Pease* had also been most anxious to address the Committee on this Resolution, but had hitherto been unsuccessful in obtaining a hearing for his constituents. On former occasions, he had had to congratulate the House on its passing from intolerance to toleration; now he had to congratulate it upon passing from toleration to complete religious freedom. Had he been successful in obtaining the attention of the Chair, he should have felt himself bound to show the Committee, that whatever might be the representation respecting the prosperity of the town of South Shields made by its hon. and learned Member, there was no part of the country in which the enfranchisement from leasehold tenures had given such great and universal satisfaction. It was a notorious fact in South Shields, that the elements of decay and ruin were in full vigour in that town, and would have produced their usual melancholy results, had it not been for the University of Durham Act, by which the land of that town was enfranchised from leasehold tenure. Whatever might have been the prosperity of South Shields before the passing of that Act, it was not to be denied that it had increased fivefold since. He could further state, that that enfranchisement, by which 240,000*l.* was gained to the University of Durham,—an establishment of which he did not intend to complain, though he considered it far too much restricted—was accomplished upon the very terms now proposed by the Chancellor of the Exchequer, and that those terms were accepted by a great majority of the parties to whom they were offered. Among other persons, he had availed himself of the provisions of that Bill; and he could say, from his own personal knowledge of its results, that whereas before its passing every farthing laid out on the land was matter of much doubt and deep consideration, the reverse was the case now, and the land was covered with buildings of every description. Adverting to the statement of the hon. and learned Member for South Shields that the Church was considered a liberal landlord in the county of Durham, he said that he would read a short extract from a petition which he had recently presented from his own constituency, and which he thought would throw a considerable doubt upon that statement. The hon. Member then read part of a petition signed by 117 leaseholders under the Church, in the parish of Bellingham. After stating that they were ardently attached to the doctrines of the Church, the petitioners entered into a statement to prove that, owing to the change of the currency and the fall in the value of agricultural produce, the septennial fee, which they formerly paid on the renewal of their leases, now amounted to two, and sometimes to three years' rent of the premises leased to them. They furthermore declared, that the consequence of this procedure was, to prevent the application of capital to the land, and to put a stop to the improvement of its value by planting or building upon it. Nor did the evil, according to the petitioners, stop there; for they entertained fears lest their fines should be further increased, and lest the value of their property should be proportionably decreased. Having made this statement, he might perhaps be asked—"did he assent to the terms of the Chancellor of the Exchequer in the way in which he proposed to carry them into execution?" To that question, he would reply by another. "Did the Chancellor of the Exchequer mean to say, that twenty-five years' purchase was the value of all leasehold property?" If the right hon. Gentleman meant to lay that down as an invariable rule, he would say, that the foundation of his project was based on injustice, and that the superstructure reared upon it could never stand. He was prepared to state, that though the principle of the resolution was not unfair, it might be made unfair in its application in practice. He would give his support to the resolution on two grounds—he would support it, first, because it was calculated, in his opinion, to promote peace, to advance religion, and to secure the good of the Church of England; and, secondly, because it was an arrangement beneficial to the community at large, and calculated to produce funds of which the amount would be sufficiently ample for the objects for which they were intended, whatever doubts might now be expressed on that part of the subject.

Mr. *Hodgson Hinde* would not, at that late hour of the night, state any argument in support of the vote he intended to give against this resolution. He merely rose to mention the fact, that a public meeting had been convened in the town of Newcastle, in which it had been determined to petition against this plan for abolishing Church-rates. He would mention one fact of importance. In the county of Durham, within the space of a few years, a very extensive railway had been laid down, on which a company had expended 300,000*l.* to complete the work, and great part of this railway went over land, the tenure of which was under bishops' leases, and so confident were the parties in the security of the tenure that they had not applied to Parliament for its protection.

Mr. *Harland* observed, that as a remark had been made in the course of the debate, that tenants had a legal right to a renewal of their leases, he agreed to this; and he would show that it was under the sanction of Parliament. In 1649, a Committee of Parliament was appointed for the purpose of removing obstructions in the sale of Church lands; and the Report was so strongly in favour of these leaseholders, that, with the leave of the House, he would read it. It set forth,

"That the Committee, having taken into consideration the petition of the dean and chapter tenants in the county of Durham, and the certificate from the contractors for the sale of these dean and chapter lands, it fully appears to this Committee, that the said dean and chapter lands, in the time of the prior and convent of Durham, were held by the tenants as estates of inheritance, according to the custom of copyhold lands, and so continued for some time after the dissolution of the said priory, and after the lands thereof were vested by Henry 8th, in a dean and chapter, till afterwards, by their many endeavours, some of the said tenants were prevailed on, and others constrained, to take leases in writing, and so to forego their accustomed way of holding. And whereas, it further appears that the respective tenants to the said lands, their heirs and assigns, had and have a right to renew their several leases from twenty-one years to twenty-one years for ever, paying three years' fine at the renewing of every lease. . . . It is therefore resolved by this Committee, and hereby ordered, that the said respective tenants have an abatement and reprize in their respective purchases of the said lands allowed to them by the contractors for the sale of the said lands valuably proportionable, and according to their present holdings."

Mr. *Arthur Trevor* returned his thanks to the hon. Member for South Shields (Mr. Ingham) for his speech, which would do much to remove the false notions which had gone forth to the public. As to what had fallen from the hon. Member for South Durham respecting the enfranchisement of the town of Shields, it should be recollected, that that enfranchisement was the spontaneous act of the dean and chapter, in order to lay the foundation of one of the most splendid and munificent monuments that ever did honour to any body of men. The measure in question was one which never could pass into a law; it was not founded on the common sentiment of the country, and was a violation of the most sacred rights of property.

Sir *Charles Burrell* said, that, having been intrusted with petitions from his constituents in opposition to the measure, he was bound, as far as he could, to support their views.

Sir *Hedworth Williamson*, with reference to what had fallen from the hon.

Member for Newcastle (Mr. Hinde), who had stated that a railroad company had had such confidence in the security of the tenure under bishops' leases, that they had not applied to Parliament, observed that the hon. Member must be aware that another railroad company had so little confidence in them, that they did apply to Parliament.

Mr. *Aglionby* could not let the leaseholders labour under the impression, which they might reasonably adopt from the tenour of the discussion during the last half hour, that their interests would be compromised by the decision of the House. He took the same view of the subject as the hon. Baronet, the Member for North Durham, and felt bound to assure his Majesty's Government that the details of that measure could not be carried into effect. Entertaining, however, as he did, this opinion, he was not led to the same conclusion as the hon. Baronet; for he (Mr. Aglionby) could not bring himself to vote against the resolution, the principle of which was to confer on the country one of the greatest boons that had been conceded for several years. He protested against the statement and figures on which the right hon. Gentleman relied; for he felt satisfied, that those who made the calculations on which he acted, consulted mere figures and theory, and not matters of practice.

The Committee divided:—Ayes 273; Noes 250: Majority 23.

List of the AYES.

Acheson, Viscount
Adam, Admiral
Aglionby, H. A.
Ainsworth, P.
Alston, R.
Angerstein, J.
Anson, Colonel
Anson, Sir George
Astley, Sir J.
Attwood, T.
Bagshaw, John
Bainbridge, E. T.
Baines, E.
Ball, N.
Bannerman, A.
Barclay, D.
Baring, F. T.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Bellew, Richard M.
Benett, J.
Bentinck, Lord W.
Berkeley, hon. F.
Berkeley, hon. G.
Berkeley, hon. C.
Bewes, T.
Biddulph, R.
Bish, T.
Blake, Martin Jos.
Blunt, Sir C.
Bodkin, J.
Bowes, J.
Brabazon, Sir W.
Brady, D. C.
Bridgeman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Buller, C.
Buller, E.
Bulwer, H. L.
Bulwer, E. L.
Burdon, W.
Burton, H.
Butler, hon. P.
Buxton, F.
Byng, G.
Byng, G. S.
Callaghan, D.
Campbell, Sir J.
Carter, J. B.
Cave, Otway
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Cayley, E. S.
Chalmers, P.
Chetwynd, Captain
Chichester, J. P. B.
Churchill, Lord C.
Clay, William
Clayton, Sir W.
Clive, E. B.
Codrington, Admiral
Collier, John
Conyngham, Lord A.
Cookes, T. H.
Cowper, hon. W. F.
Crawford, W. S.
Crawford, W.
Crawley, S.
Crompton, Samuel
Curteis, H. B.
Curteis, E. B.
Dalmeny, Lord
Denison, W. J.
Denison, J. E.
D'Eyncourt, C. T.
Dillwyn, L. W.
Divett, E.
Donkin, Sir R. S.
Duncombe, T.
Dundas, J. C.
Dundas, hon. T.
Dundas, J. D.
Dunlop, J.
Ebrington, Viscount
Edwards, Colonel
Ellice, E.
Elphinstone, H.
Etwall, R.
Evans, G.
Ewart, W.
Fazakerley, J. N.
Ferguson, Sir R.
Ferguson, R.
Fergusson, rt. hon. R. C.
Fielden, J.
Fitzgibbon, hon. R.
Finn, W. F.
Fitzroy, Lord C.
Fleetwood, Peter H.
Gaskell, D.
Gisborne, T.
Gordon, R.
Grattan, J.
Grey, Sir George
Grote, George
Guest, J. J.
Gully, J.
Hall, B.
Handley, H.
Harland, Wm. C.
Harvey, D. W.
Hastie, A.
Hawes, B.
Hawkins, John H.
Hay, Sir A. L.
Heathcoat, J.
Hector, C. J.
Hindley, C.
Hobhouse, rt. hon. Sir J
Hodges, T. L.
Hodges, T. T.
Holland, E.
Horsman, E.
Howard, R.
Howard, P. H.
Howick, Viscount
Hume, J.
Humphery, John
Hurst, R. H.
Hutt, W.
James, W.
Jephson, C. D. O.
King, E. B.
Labouchere, rt. hon. H.
Lambton, H.
Langton, Wm. Gore
Leader, J. T.
Lefevre, Charles S.
Lennard, T. B.
Leveson, Lord
Lewis, Wyndham
Lister, E. C.
Loch, J.
Lushington, Dr.
Lushington, C.
Lynch, A. H.
Mackenzie, S.
M'Leod, R.
Macnamara, Major
M'Taggart, J.
Maher, J.
Mangles, J.
Marjoribanks, S.
Methuen, P.
Molesworth, Sir W.
Moreton, A.
Morpeth, Viscount
Morrison, J.
Mostyn, hon. E. L.
Mullins, hon. F. W.
Murray, J. A.
Musgrave, Sir R., Bt.
Nagle, Sir R.
O'Brien, C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Ferrall, R. M.
Oliphant, Lawrence
Ord, W. H.
Oswald, James
Paget, F.
Palmer, General
Palmerston, Viscount
Parker, John
Parnell, Sir H.
Parrott, Jasper

Pattison, J.
Pease, J.
Pechell, Captain R.
Pendarves, E. W.
Philips, M.
Philips, G. R.
Phillips, C. M.
Pinney, W.
Ponsonby, W.
Ponsonby, J.
Potter, R.
Poulter, J. S.
Power, J.
Price, Sir R., Bt.
Pryme, G.
Pryse, Pryse
Ramsbottom, J.
Rice, rt. hon. T. S.
Rippon, Cuthbert
Robarts, A. W.
Robinson, G. R.
Roche, William
Roebuck, J. A.
Rolfe, Sir R. M.
Rooper, J. Bonfoy
Rundle, J.
Russell, Lord J.
Russell, Lord
Russell, Lord C.
Ruthven, E.
Sanford, E. A.
Scholefield, Joshua
Scott, J. W.
Scrope, G. P.
Seale, Colonel
Seymour, Lord
Simeon, Sir R.
Smith, J. A.
Smith, hon. R.
Smith, R. V.
Smith, B.
Stanley, W. O.
Stewart, P. M.
Strangways, hon. J.
Strickland, Sir G.
Strutt, E.
Stuart, Lord J.
Stuart, V.
Talbot, C. R. M.
Tancred, H. W.
Thomson, C. P.
Thompson, P. B.
Thompson, Alderman
Thompson, Colonel
Thornley, T.
Tooke, William
Tracey, Charles H.
Trelawney, Sir W. L.
Troubridge, Sir T.
Tulk, C. A.
Turner, W.
Tynte, C. K. K.
Tynte, C. J. K.
Vigors, N. A.
Villiers, Charles P.
Vivian, J. H.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Wason, R.
Wemyss, Captain
Westenra, hon. H. R.
Westenra, J. C.
Whalley, Sir S.
Wigney, I. N.
Wilbraham, G.
Wilde, Sergeant
Wilkins, W.
Wilks, John
Williams, W.
Williams, W. A.
Williams, Sir J.
Winnington, Sir T.
Winnington, H. J.
Wood, C.
Wood, Alderman
Worsley, Lord
Woulfe, Sergeant
Wrightson, W. B.
Wyse, T.

TELLERS.

Stanley, E. J.
Steuart, R.

List of the NOES.

Alford, Viscount
Alsager, Captain
Arbuthnot, hon. H.
Archdall, M.
Ashley, Viscount
Bagot, hon. W.
Bailey, J.
Baillie, H. D.
Balfour, T.
Barclay, C.
Baring, F.
Baring, H. B.
Baring, W. B.
Baring, T.
Bateson, Sir R.
Beckett, rt. hon. Sir J.
Bell, M.
Bentinck, Lord G.
Beresford, Sir J. P.
Bethell, Richard
Blackburne, I.
Blackstone, W. S.
Boldero, Capt. H. G.
Bolling, W.
Bonham, R. F.
Borthwick, Peter
Bowles, G. R.
Bradshaw, J.
Bramston, T. W.
Brownrigg, S.
Bruce, Lord E.
Bruce, C. L. C.
Bruen, Colonel
Bruen, F.
Buller, Sir J. B. Y.
Burrell, Sir C. M., Bt.
Campbell, Sir H.
Canning, rt. hon. Sir S.
Cartwright, W. R.
Castlereagh, Visc.
Chandos, Marquess of
Chaplin, Colonel
Chapman, A.
Chisholm, A. W.
Clive, Visc.
Clive, hon. R. H.
Codrington, C. W.
Colborne, N. W. R.
Cole, A. H.
Cole, Visc.
Compton, H. C.
Conolly, E. M.
Copeland, W. T.
Corry, H.
Cripps, J.
Dalbiac, Sir C.
Darlington, Earl of
Dottin, A. R.
Duffield, Thomas
Dugdale, W. S.
Dunbar, G.
Duncombe, W.
Duncombe, hon. A.
East, J. B.
Eastnor, Viscount
Eaton, R. J.
Egerton, Sir P.
Egerton, Lord Fran.
Elley, Sir J.
Elwes, J.
Estcourt, T. G. B.
Estcourt, T.
Fancourt, Major
Farrand, R.
Feilden, W.
Ferguson, G.
Finch, G.
Fleming, J.
Foley, Edw. Thomas
Follett, Sir W.
Forester, hon. G.
Forster, C. S.
Fremantle, Sir T. W.
Freshfield, J. W.
Gaskell, James Milnes
Geary, Sir W. R. P.
Gladstone, T.
Gladstone, W. E.
Gordon, hon. W.
Goring, H. D.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grant, hon. Colonel
Greene, T.
Greisley, Sir R.
Grimston, Viscount
Grimston, hon. E. H.
Hale, R. B.
Halford, H.
Hamilton, G. A.
Hamilton, Viscount
Hanmer, Henry
Harcourt, G. G.
Harcourt, G. S.
Hardinge, rt. hon. Sir H.
Hardy, J.
Hawkes, T.
Heathcote, G. J.
Henniker, Lord
Herries, rt. hon. J. C.
Hill, Sir R., Bt.
Hillsborough, Earl
Hind, J. H.
Hope, H. T.
Hotham, Lord
Houldsworth, T.
Houstoun, G.
Hoy, J. Barlow
Hughes, Hughes
Ingham, R.
Inglis, Sir R. H., Bt.
Jermyn, Earl
Johnstone, Sir J.
Johnstone, J. J. H.
Jones, W.
Jones, Theobald
Kerrison, Sir E.
Kirk, P.
Knatchbull, Sir E.
Knight, H. G.
Knightley, Sir C.
Law, hon. C. E.
Lawson, Andrew
Lees, J. F.
Lefroy, A.
Lefroy, T.
Lemon, Sir C.
Lennox, Lord G.
Lennox, Lord A.
Lewis, D.
Lincoln, Earl of
Lowther, Col. H. C.
Lowther, Lord
Lowther, J. H.
Lucas, E.
Lushington, S.
Lygon, hon. Gen.
Mackinnon, W. A.
Maclean, Donald
Mahon, Viscount
Manners, Lord C.
Marsland, T
Martin, J.
Mathew, Captain
Maunsell, T. P.
Maxwell, H.
Meynell, Captain
Miles, William
Miles, P. J.
Miller, Wm. Henry
Mordaunt, Sir J., Bt.
Mosley, Sir O., Bt.
Neeld, J.
Neeld, John
Nicholl, Dr.
Noel, Sir G.
Norreys, Lord
North, F.
Ossulston, Lord
Packe, C. W.

Palmer, R.
Palmer, George
Parker, M.
Patten, J. W.
Peel, right hon. Sir R.
Peel, Colonel J.
Pelham, J. C.
Pemberton, Thomas
Pigot, R.
Plumptre, J. P.
Polhill, F.
Pollen, Sir J., Bt.
Pollock, Sir Fred.
Powell, Colonel
Praed, Winthrop M.
Price, S. G.
Price, R.
Pusey, P.
Rae, rt. hon. Sir W.
Reid, Sir J. R.
Richards, J.
Richards, R.
Rickford, W.
Rushbrooke, Col.
Russell, C.
Sanderson, R.
Sandon, Viscount
Scarlett, hon. R.
Scott, Sir E. D.
Scott, Lord J.
Scourfield, W. H.
Shaw, F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Sinclair, Sir G.
Smith, A.
Smyth, Sir H., Bt.
Somerset, Lord G.
Spry, Sir S.
Stanley, E.
Stanley, Lord
Stewart, J.
Stormont, Viscount
Stuart, Lord D.
Sturt, Henry Charles
Tennent, J. E.
Thomas, Colonel
Tollemache, hon. A.
Townley, R. G.
Trench, Sir F.
Trevor, hon. A.
Trevor, hon. G. R.
Twiss, H.
Tyrrell, Sir J.
Vere, Sir C. B.
Vernon, G. H.
Vesey, hon. T.
Vyvyan, Sir R.
Wall, C. B.
Walpole, Lord
Walter, John
Welby, G. E.
Wayland, Major
Whitmore, T. C.
Wilbraham, B.
Williams, Robert
Williams, T. P
Wilmot, Sir J. E.
Wilson, H.
Wodehouse, E.
Wood, Colonel
Wrottesley, Sir J., Bt.
Wyndham, Wadham
Wynn, rt. hon. C. W.
Yorke, E. T.
Young, G. F.
Young, J.
Young, Sir W.

TELLERS.

Clerk, Sir G.
Ross, C.

Paired Off (not official).

FOR.	AGAINST.
Dobbin, L.	Verner, Colonel
Grey, C.	Smith, T. A.
Heneage, E.	Corbett, Thomas G.
Martin, John	Chichester, A.
Clements, Viscount	O'Neill, General
Fitzsimon, Nicholas	Coote, Sir C.
White, Samuel	Perceval, Colonel
Sharpe, General	Pringle, Alexander
Gillon, William D.	Hope, J.
Heron, Sir Robert	Hanmer, Sir John
Fergus, John	Charlton, E. L.
Fitzsimon, Christoph.	Barneby, John
Sheil, Richard L.	Agnew, Sir A.
Beauclerk, Major	Ashley, A. H.
Talfourd, Sergeant	Goulburn, Sergeant
Blackburne, J.	Wortley, J.
Maxwell, J.	Herbert, Sidney
Marsland, H.	Ryle, John
Fellowes, N.	Lopes, Sir R.
Speirs, A.	Goodricke, Sir F. H. H.
O'Connor, Don	Cooper, E. J.
Chapman, M. L.	Mandeville, Viscount
Talbot, J. H.	Plunkett, R.
Childers, J. W.	Glynne, Sir S. R.
Campbell, W.	Forbes, W.
Power, J.	West, J. B.
Belfast, Earl of	Hay, Sir John
Maule, Fox	Pollington, Viscount
Vivian, Major	Peel, Edmund
Grattan, H.	Hayes, Sir E.
Marshall, W.	Irton, S.
Jervis, J.	Jackson, Sergeant
Lee, J. L.	Owen, H.
Hallyburton, D. G.	Damer, D.
Baldwin, Dr.	Longfield, R.
Buckingham, J. S.	Kearsley, John H.
Poyntz, W. S.	Somerset, Lord E.
Fort, John	Davenport, John
Wakley, Thomas	Penruddocke, J. H.

HOUSE OF LORDS,

Thursday, March 16, 1837.

MINUTES.] Petitions presented. By the Duke of RICHMOND, from the Licensed Victuallers of Brighton, for a Revision of the Laws imposing liabilities for the loss of Property of Persons at their Houses; and from Whitechurch, for some Legislative Enactment for the Relief of unemployed Irish Labourers.—By Lord WYNFORD, from Stapleton, against forming Unions in that district.—By several Noble LORDS, from various places, against the Abolition of Church-rates.—By Lords STRAFFORD, PORTMAN, BROUGHAM, the Earls of MINTO, BURLINGTON, Viscount MELBOURNE, and the Duke of RICHMOND, from various places, for the Abolition of Church-rates.

PETITIONS FOR CHURCH-RATES.] Lord *Wyndford* having presented a petition from a parish in Cumberland against the New Poor-law Act,

The Bishop of *Llandaff* hoped the House would forgive him for occupying its attention for a few minutes; but he could not help expressing his surprise at a remark from the noble and learned Lord yesterday, that the number of petitions presented in favour of the abolition of Church-rates was greater than the number which had been presented against this measure; and that, even if that were not allowed, the number of signatures attached to the former would far exceed the number attached to the latter.

Lord *Brougham*, said that he might set the rev. Prelate at ease on that point at once, by informing him that he was labouring under an entire mistake, because what he had stated was just the reverse of that which was now imputed to him. He had said that the number of petitions against the abolition of Church-rates no doubt greatly exceeded the number in favour of the abolition, but that the number of signatures attached to the petitions in favour of the abolition very much exceeded the number of those attached to the petitions against it.

The Bishop of *Llandaff* felt obliged to the noble and learned Lord for setting him right in that respect.

Lord *Brougham:* Nor was it yesterday I said so, but some time before; so that you are wrong there also.

The Bishop of *Llandaff* was prepared to contend that the signatures of persons who did not pay Church-rates did not merit much regard. The grievance did not fall upon them, but upon those who paid the Church-rates, therefore it was but fair to throw out of the consideration of the petitioners all the non-rate-payers. Undoubtedly the House could not analyse the petitions in that way, but he wished, for the sake of the general impression that might be made on the public, that the distinction he had suggested should be observed. With regard to the petitioners against the abolition of Church-rates, that observation was not applicable, because there the non-rate-payers were most entitled to be heard, inasmuch as they would be most interested if the Church-rates were abolished. The non-rate-payers, therefore, who became petitioners against the abolition of Church-rates, and especially the poor, merited the attention of their Lordships. As to the others, they might be divided into two classes, and those alone upon whom the grievance fell were entitled to attention. It might be said that a person had a right to come to their Lordships' House, not to complain of an injury or a personal grievance, but to complain of a national grievance. If that were so, they could only come to their Lordships in the character of advisers, and so far they might be entitled to be heard. As a matter of grievance, he was sure that the distinction made in favour of justice the noble and learned Lord would readily admit. There were petitions of that character presented by a right rev. Friend of his from labourers in Devonshire, praying that they might not be deprived of the privileges they now enjoyed. It was said by his right rev. Friend, that that petition was attempted to be counteracted by a wealthy individual. The number of signatures to a petition was but an indifferent test for the extent of the grievance of which the petitioners complained. In conclusion he would say, that under the disapprobation which had been expressed by the petitioners against the Church-rates, there was a far more important principle—the petitioners objected to Christianity being recognised or supported by the State. However that might be coloured over, it was at the bottom of what was recommended and desired; and it was for their Lordships to consider whether they would give countenance to a proposition of that nature, or whether they would not openly avow that their determination was not to consent to any measure that had for its object the prevention of Christianity being protected by the State. He was sure that their Lordships would sooner surrender their birth-rights than give up that union which had existed for a thousand years. The right rev. Prelate then presented several petitions from different parts of Wales against the abolition of Church-rates.

Viscount *Melbourne* could not agree with the distinction drawn by the right rev. Prelate between the classes of petitioners, for in the well-being and the welfare of Christianity all had an equal interest and an equal interest also in the settlement of this question on the principles which would promote the peace and welfare of the country. He therefore could by no means acquiesce in the distinction drawn by the right rev. Prelate between the classes of petitioners. All had an equal right to lay their opinions before their Lordships' House as to the measures which they thought necessary to be adopted by the Legislature, or which were under the consideration of the Legislature. But he (Lord Melbourne) was still more unwilling to acquiesce in the statement with which the right rev. Prelate concluded his speech. The right rev. Prelate had said that if the prayers of the petitioners were acceded to, Christianity would not be any longer recognised as the religion of the country. He begged leave to protest against such an imputation being cast upon those who had petitioned their Lordships' House, and he felt sorry that it had come from a quarter which he respected.

The Bishop of *Llandaff* said, that he did not intend to charge the petitioners with a wish that Christianity should not prevail, or that it should not be generally received as the religion of the country; but he contended, that if the prayers of the petitioners were acceded to, they would lead to the separation of Christianity from the Government of the country. If those prayers were acceded to, then it would go forth that the Government regarded religion with indifference, and as a matter of no concern. The legitimate inference to be drawn from the prayer of the petitioners was, not that they wished to disparage religion, but that they contemplated objects which their Lordships ought never to consent to.

Lord *Brougham* said, that in all the petitions he had presented—and he believed he had presented the greater number in favour of the abolition of Church-rates—the grounds put forward for their abolition were religious, and not political. The right rev. Prelate has most justly said in the admission with which he had closed his speech, that he did not mean to impute any lukewarmness on the subject of religion to Dissenters, and certainly if he had done so he would have committed a very great error. It was on the ground that they considered the rate injurious to the interests of religion, as well as oppressive to them individually, and hard upon them conscientiously, that the great bulk of the prayers of the petitions were founded. He entirely agreed with his noble Friend (Lord Melbourne) that whether they had an interest or not in the question, they had a right to come to the House and make known their sentiments and their wishes. As to persons of a certain description not paying rates, or not being of that class which might be supposed to be best capable of entering into the discussion of high and difficult points of policy, whether the class of persons who had signed the petition which the right rev. Prelate had presented were qualified by their habits to discuss questions of a high and difficult nature he really would not take on himself to say. He was not disposed to pronounce them incapable of discussing those questions, but it did happen that a considerable majority of those who had given their consent to the petition gave it, not by signing their names, but by affixing crosses, commonly called their marks.

The Bishop of *Llandaff* had not denied the right of the lowest members of the community, not only to state their grievances, but to give their opinion as to the policy of any public measure. He only stated that the petitions of those who had paid no rates came from those who suffered no grievance, and that therefore they were not entitled to great consideration.

Petition laid on the table.

The Canadas.] The Earl of *Ripon* wished to put a question to his noble Friend, (Lord Glenelg) on a subject which appeared to him of considerable importance. Their Lordships would recollect that in the commencement of the present Session, his Majesty, in his speech read by his Majesty's Commissioners, called the attention of Parliament to the State of affairs in Lower Canada. Since that time, various documents had been laid on the table of the House; and it appeared by the votes of the other House of Parliament, that certain resolutions had been submitted to the consideration of that branch of the legislature, he presumed explanatory of the views of his Majesty's Government on the subject, and preparatory to the introduction of some legislative measure applicable to the exigencies of the case. The question which he had to put to his noble Friend was, therefore, this—What was the mode in which it was the intention of the Government to bring the subject under the notice of this House?—whether it was intended to proceed by way of resolution, or merely to invite their Lordships to consider any specific law or measure which might be sent up from the other House of Parliament? He did not purpose to avail himself of this opportunity to say anything that could cause the slightest discussion on this most important and difficult subject, and he should be sorry to say anything that could in the least embarrass the proceedings of Government or of Parliament in reference to it; but having himself had not a little to do with the relations between this country and Canada, and having applied considerable attention to all its details, he might be excused if he felt some anxiety to know what course his Majesty's Government intended to propose. It was obvious there were two modes which might be adopted. Either the House of Commons, having first approved the resolutions laid before them should send them to their Lordships to ask their assent to them, or, having passed those resolutions, they should pass a Bill, and send that Bill up to this House. He should be disposed to think, *prima facie*, that there might be considerable advantage in adopting the first of these courses; because, looking at the nature of the question itself—looking at the mode in which it affected or might affect an independent Legislature in another part of his Majesty's dominions—looking also at the solemn manner in which the attention of the Legislature here had been called to it, it might be expected that those interested in this question on the other side of the Atlantic would be disposed to attach great importance to resolutions proposed by one House of Parliament, and adopted by both branches of the Legislature. At the same time, he must confess it appeared to him, that even that course was not entirely free from difficulty; because if in the resolutions of the other House, when brought before their Lordships, there should appear—what he had no reason to expect, but still it was not impossible—anything which their Lordships would not think it right to agree to, and if their Lordships should feel themselves called on to propose in them any important or material amendments, it appeared to him that the effect of the proceeding as a mode of influencing the judgment of the Legislature of Canada, must be much diminished if its force were not wholly destroyed. Then, again, many persons prepared to vote for a specific measure, might be unwilling to vote for a previous declaration of principle, in which they might not concur. It was under these circumstances that he begged to ask whether his Majesty's Government had made up their minds as to the course to be pursued. But if his noble Friend thought that any disadvantage, even the slightest, would result from answering his question, he begged that his noble Friend would not answer it; and upon his assurance to that effect he should be perfectly satisfied. He would now state the motion of which he had given notice, and which was mixed up in a certain degree with this question. The paper he wished to move for was a return of the expense occasioned by the Commission sent to Lower Canada. It had been his intention to notice on the present occasion some points connected with the Report made by that Commission; but on reflection, he was satisfied that it would be more conformable to the principle which he wished to see acted on with regard to that matter if he abstained from making the comments he had contemplated. He thought it fit, however, that they should know what was the expense of that Commission. He asked for that information on grounds both general and special. On general grounds, however, it was quite obvio s that the expense of the Commission had considerably tended to increase the dissatisfaction which before prevailed; and on special grounds, because among the various productions that spring up in these days in such luxuriant profusion out of the political soil, nothing was more remarkable than the abundance of the crop of Commissioners. He could not help thinking that there might be very good reasons for exercising at least a moderate degree of vigilance respecting the growth of that species of expense; he could not help thinking that there was some danger, if a little vigilance were not exercised, that the crop of Commissions might grow to be a crop of evils. He begged further to say, that he had entertained doubts whether there was any necessity for appointing that Commission at all, and also as to the mode in which that Commission had been composed. He entertained doubts as to the necessity of the Commission, inasmuch as he thought there was no lack of information in this country with respect to Lower Canada to be found in the office over which his noble Friend presided, and over which it had been his lot to preside for a considerable time. There might have been found abundant communications from various well-informed parties; there were, besides, the Reports of Committees of the House of Commons, and further, there was, at the time the Commission was appointed, a gentleman in London, Mr. Viger, who was a *quasi* representative of the Assembly of Lower Canada, and than whom no Gentleman ever worked harder with his pen for a salary of 1,300*l.* a year—the amount which the Assembly of Lower Canada were so obliging as to pay him. He had frequently, at the request of that Gentleman, had interviews with him; and he should think, from the mass of information which he poured into the office, that no more complete knowledge than he was able to supply of the views, feelings, wishes, and course of proceeding of the body, with respect to whom all these difficulties had arisen, could be desired. He believed there were many individuals in this country whose opinions were very different from those of this gentleman, who would have had no objection to state their views to his Majesty's Government. In addition to Mr. Viger, there was at least one individual to whom he was sure his noble Friend never could have applied in vain for any information which it was in his power to give, and of all men in this country, he was the most competent to furnish information that might be most implicitly relied on—he alluded to Sir J. Kempt, the late Governor of Lower Canada, who had shown himself as competent to the duty of Civil Government, as he was to that of conducting his Majesty's troops in the field.

Lord *Glenelg* entirely concurred with the noble Earl as to the extreme importance of this subject—a subject, he would add, which no one could call the attention of the House to with greater propriety than the noble Earl, whose acquaintance with all its bearings was necessarily so great. He was perfectly ready to answer the questions which had been put. The course intended to be taken was this. The House was aware that certain resolutions upon this subject had been brought before the House of Commons, upon which resolutions a measure had been framed. Some of these resolutions had been acceded to, and as soon as the remaining resolutions were agreed to, the whole of them would be communicated to their Lordships. In reference to the other question, respecting the expense of the Commission, he had not the slightest objection to the production of all the accounts. He quite concurred with the noble Earl as to the propriety of abstaining from any discussion on this subject on the present occasion. The question in all its bearings would, however, shortly come before their Lordships, and he would then endeavour to satisfy the noble Earl, who, he was sure, was open to conviction, of the necessity of establishing the Commission, and as to the composition and conduct of the Commission itself.

The Earl of *Aberdeen* would suggest the propriety of sending to the House of Commons for a copy of the evidence on this subject taken before the Committee of 1834. The proceedings in the House of Commons had been stopped half way, and for an indefinite period, in consequence of that evidence not being before the House, it not having been printed, at the termination of the sitting of the Committee. It had now, however, been printed, and it was most desirable that it should be on their Lordships' table, in order that when the subject came before them, their proceedings might not be delayed, as those in the other House had been.

Lord *Glenelg* was quite willing that the evidence should be sent for. The delay, however, in the other House had not originated with Ministers, who considered that the evidence already on the table of the House of Commons was quite sufficient to justify the resolutions.

A motion was made that this evidence should be sent for, and was agreed to.

HOUSE OF COMMONS,

Thursday, March 16, 1837.

Minutes.] Bills. Read a first time:—Municipal Corporations (Scotland).

Petitions presented. By Mr. Clay, Mr. Wallace, Colonel Thompson, Mr. Roebuck, Mr. Gillon, and other Hon. Members, from various places, for Repeal of Corn-laws. —By the Marquess of Chandos, and other Hon. Members, from several places, against the Repeal of the Corn-laws.

Corn Laws.] Mr. *Clay* presented several petitions from various places against the Corn-laws, and then spoke as follows:—Sir, in rising to make the motion of which I have given notice, I venture to remind the House that I have at least this claim on its indulgence—viz., that I have twice postponed my motion from motives of respect for the House and regard for its convenience. First, in 1835, in order that I might not impede the progress of the English Municipal Corporations Reform Bill; and, secondly, last Session, in consequence of the appointment of a Committee to inquire into the state of agriculture. It appeared to me that I should be wanting in the respect due both to this House and to the large classes of the community interested in the result of that inquiry, if, during the sitting of the Committee, I had pressed my motion. I feel that I have been rewarded for this forbearance by the valuable illustrations which the evidence given to that Committee affords of the working of our present system. I shall only further premise that it will be my endeavour to treat the great question which my motion raises—a question second, assuredly, in importance to none which can occupy the attention of the House—calmly and dispassionately; I wish to bring to the discussion of it no weapons but those which reason or facts can supply. The history of our legislation with respect to corn, must, of course, be so familiar to every Gentleman who hears me, that it is only necessary for me to allude very briefly to its leading features and more remarkable epochs. From the conquest until nearly the middle of the fifteenth century, the exportation of corn was wholly prohibited.

At that period—the reign of Henry 6th—the exportation of wheat was permitted when the price did not exceed 6*s*. 8*d*. per quarter. From the reign of Henry 6th to the reign of Charles the 2nd little other change was made in the Corn-laws than a gradual extension of the price at which corn was exportable. In the reign of Charles the 2nd a duty was laid on the importation of corn; and in 1688, 1st of William 3d, the famous statute giving a bounty on exportation was passed. By that Act a bounty of 5*s*. per quarter was given on the exportation of wheat when the market price did not exceed 48*s*. per quarter; whilst on importation the duty, as fixed in the reign of Charles the 2nd, was 21*s*. 9*d*. per quarter until the market price was 44*s*.; 17*s*. until the price was 53*s*. 4*d*.; and 8*s*., until the price was 80*s*., then 1*s*. 4*d*. By this Act the trade in corn was regulated until 1766, when the duties on importation were suspended by proclamation, on account of the high prices; and in 1773, by Act of Parliament, importation of wheat was permitted when the market price reached 48*s*., at 6*d*. per quarter; whilst, with a market price of 44*s*., exportation and bounty were to cease. Of the Act of 1773, Adam Smith says:—"With all its imperfections, however, we may perhaps say of it what was said of the laws of Solon—that though not the best in itself, it is yet the best which the interests, prejudices, and temper of the times would admit of. It may, perhaps, in due time prepare the way for a better." What would that great man, who so strongly urges the advantage of a free trade in corn, have said to our subsequent legislation on this matter? In 1761 it was enacted that when wheat was under 50*s*. the duty should be 24*s*. 3*d*.; and in 1804, that when under 63*s*. there should be the same duty of 24*s*. 3*d*.; but both these enactments were inoperative, from the high prices that prevailed during the war, and subsequently the trade in corn was free from 1773 to 1815. In that year was passed the never to be forgotten Act by which the importation of wheat was prohibited until the price reached 80*s*. per quarter. Of that Act I dare not trust myself to speak: it no longer disgraces the Statute-book, and it is needless to characterise the spirit in which it was conceived; signalised as it was in its progress through the Legislature by riots and tumults, which seriously endangered the safety of the metropolis, and rendered it necessary to protect by an armed force the members of either House of Parliament in the discharge of their duties—passed amidst the execrations of the people—and thrice suspended to avert famine. Wheat during its existence, having been at 112*s*. per quarter at one time, and 38*s*. per quarter at another, it was finally repealed in 1828, without one single voice being raised in its defence. By the Act of 1828, (9th George 4th, c. 60) the Act which now regulates the corn trade, wheat is importable at all times; but when it is at 62*s*. per quarter the duty is 24*s*. 8*d*., as the price rises the duty diminishes, until at 73*s*., it is only 1*s*. per quarter. On the other hand, below 62*s*. there is an addition of 1*s*. per quarter duty for every 1*s*. fall in price. Now the first consideration which suggests itself on a review of our legislation in respect of corn is this, that its constant aim (and more especially of our recent legislation) has been to regulate the price. Sir, I ask by what right we make any such attempt?—an attempt, the less justifiable, as it is directly opposed to the whole spirit of our legislation on all analogous questions. Our system of Corn-laws presents to us the starting anomaly, that whilst the prices of all other commodities are left to the operation of the various causes which influence prices, with respect to corn alone it is decided by the Legislature, that the price shall not—so far as laws can secure that object—fall below such rate as to the makers of those laws may seem fit. Every thing else may fall—the produce of the loom—the wages of labour; but the price of the great necessary of life—bread—is by Act of Parliament to remain unaltered. With respect to all other articles we recognise two principles in the imposition of duties; the one, the raising revenues for the exigencies of the state; the other, the affording protection against foreign competition to some article of native produce. With respect to corn alone we recognise a third, viz., the fixing, by a peculiar mode of levying the import duties, a price below which it shall not fall—a principle widely differing from and going far beyond the mere imposition of protecting duties in all other cases. A protecting duty, in the ordinary sense, is of fixed amount, proceeding upon some calculation of the greater cost of the home trade than of the similar foreign commodity, but it has no reference to the price in the home market of the article so protected. An illustration drawn from our practice with regard to any other commodity, will at once render clear this distinction, so important in its effects. Silk goods for instance, are an article of home manufacture protected by a very high duty; the Legislature has assumed thirty per cent. to be the amount of duty which will enable the British manufacturer to compete with his foreign rival—it imposes that duty, but it goes no farther. There is no attempt to uphold the price in the home market, by enacting that the duty on foreign silk goods shall vary inversely as the price of British piece goods—that if the price of gros de Naples fall twenty per cent. the duty shall rise twenty per cent. The protection considered adequate to the different cost of production being once given, the price of the commodity is left to the natural effect of supply and demand, and the public enjoys the full benefit of that diminished price, which either competition or diminished cost of production may occasion. What would be said to a proposition from the cotton-manufacturers, the silk-weavers, or the clothiers, that the duties on the silks and cloths of France, or the printed cottons of Switzerland, should be regulated from time to time by the average prices of British silks, cloths, and printed cottons?—and yet it would not be easy, I suspect, to show what better claim the producer of 100 quarters of corn has to have the price of his commodity kept "steady," as the phrase is, than the producer of 100 pieces of broad cloth. Sir, we have recently given a signal proof how steadily, in respect of everything but corn, we mean to adhere to the salutary principles of abstaining from any interference with prices. The handloom weavers, engaged in a hopeless contest with the giant powers of steam, finding their wages incessantly falling from causes which they can neither comprehend nor contend with, turned in their despair to Parliament, and entreated of this House to regulate the price at which the capitalist may avail himself of that labour which is their only property. They asked of you that their wages should be fixed precisely as you attempt to regulate the price of corn, by averages of the prices of labour taken at stated periods, and with the sanction of law. Now, if ever there were a case in which one might be tempted to depart from sound principle, assuredly it is the case of the handloom weavers, from peculiar circumstances; first, from the increase of their own numbers adding to the amount of labour in the market, and next from the increasing use of steam in weaving, which tends to render that labour of less value. They are wholly in the power of their masters, who, again, from the force of competition, are almost compelled to use that power pitilessly; whilst in many articles, in which we have not to fear foreign competition it would appear as if the home competition, which depresses perpetually the price of the manufactured article, and with it the wages of the operative, were without an object. The question, too, to them is not one of greater or less enjoyment, but of the means of subsistence—not of comfort or luxuries, but of life and death. A Select Committee sat for two Sessions on the petitions of these unhappy men, and heard from themselves the statements of their case. So impressed were that Committee with the evidence which the petitioners brought forward of their depressed condition, that they recommended to the House the adoption of a Bill, introduced by the hon. Member for Oldham, for regulating, agreeably to averages to be taken, after the fashion of the corn averages, the wages of handloom weavers. You rejected that Bill; in my opinion you did wisely; you would only by interference have created evils tenfold greater and more wide-spreading than those you sought to remedy; but then, for the sake of justice and mercy, be consistent—do not say to these supplicants, "We will take no steps to prevent your wages falling; but we will endeavour as much as in us lies to keep up the price of Corn. We will enjoy the advantages to be derived from your increased toil and diminished remuneration We are content that the cloth, the linen, and the silk, which clothe our families or deck our chambers shall fall to half or a third of their former price; but we will not permit that bread, which constitutes your humble meal, to fall in price, although such a reduction might compensate for your diminished means." Is this language which is becoming in us to use? And yet it is the language of our statute-book, which equally, in the abundance of its devices to uphold the price of the produce of land, and in the absence of all such affectionate care as to any other commodities, speaks a language clear and significant as to the materials of those legislative bodies from which it has emanated. It is no answer to the charge which I have brought against Parliament of manifesting an unfair preference for the interests of the agricultural classes to say that the laws to which I have been referring have not kept up the price of corn—that we have been guilty of a profitless wrong—their intention is undoubted; and it is with their spirit and intention alone that I am at this moment dealing. I do not wish, however, to press this argument for more than it is worth, still less to charge the Members of this or of the other House of Parliament with merely sordid views in their legislating on this matter. But whilst it would display an absurd ignorance of human nature not to suspect that legislative bodies composed of landholders should have some bias towards an undue protection of the landed interest, I am quite ready to allow that they may have been so biassed unconsciously to themselves, and may have been persuaded that a course of legislation which seemed so convenient for themselves was also conducive to the welfare of the whole community. I admit, too, that it is possible, or at least fairly open to discussion, that they may be right in such persuasion; and in that case it would be no good argument against the Corn-laws that they were enacted chiefly with a view to the benefit of one class if they proved to be of advantage to the whole community. On the other hand it must also be admitted that the burthen of this proof fairly rests upon the advocates of the present system, and that they are bound clearly to show a benefit arising to the whole community, from laws at least apparently so partial and unjust. Of the great, the paramount importance of all laws relating to the physical well-being of the people there cannot be two opinions—it is beyond all doubt the most important branch of legislation; for, with a people steeped in misery, the best-devised laws for the security of life and property will—as we have the melancholy proof in Ireland—be found inefficacious, and education itself will be in vain. What should be the aim of all legislation on this matter? To secure to the people the greatest command over the necessaries and comforts of existence; and first among these an abundance of nutritious and agreeable food. That this should be our object there can be no doubt; the only difference of opinion will be how to arrive at it. The Corn-laws are our practical solution of this problem. Any restriction on the free importation of Corn in a densely-peopled country must, of course, have the effect of raising the price in such country to a higher level than it obtains in countries where the population bears a smaller ratio to the extent of fertile soil. This must necessarily be the operation of the Corn-laws in England, as it was, indeed, the effect avowedly intended by the framers of them. A further result of the Corn-laws, but which, although flowing from their operation by a necessary and inevitable process, was not foreseen or intended by their framers, is a tendency to extreme fluctuations of price. Both of the foregoing results of the Corn-laws are, in their effects upon the community, eminently disastrous. We will consider them successively. I do not know that in arguing this question there is anything which, beforehand, I should have thought less necessary than the attempt to prove that a high price of food is disadvantageous or cheap food a blessing to the people; but so many idle fallacies are afloat on this subject such, for instance, as that price is merely relative, and that "it is no matter how dear Corn is if the people have money to buy it"—that it may be as well, perhaps, to state this question as to the effect of high or low priced food in its essential and abstract shape, and in the simplest terms. This question may, when disembarrassed of extraneous considerations, be stated in terms so short and clear as almost to amount to a self-evident proposition—a proposition which ought, by this time, to have ranked among those elementary truths no longer open to discussion. All that mankind possess of value is the produce of labour; in exact proportion to the labour required to produce any commodity will be its exchangeable value. When any portion of the earth's surface becomes so densely peopled that all the best soil is occupied, recourse must be had to inferior soil, or more labour be bestowed on the good soils with a diminishing result. In such a country, therefore, any given quantity of food will require a continually increasing amount of labour for its production; in other words, will become dearer. But labour, however engaged, is of equal value; in such a country, therefore, the manufacturer, the mechanic, and the artisan, would be compelled to give a continually increasing amount of labour for their daily food. Can there be a doubt, then, that the state of a country of limited extent, and rapidly increasing in population, yet confined to its own resources for food, must be one of decreasing comfort? Circumstances may arrest or delay the process, but the tendency is certain. If such be the character of the Corn-laws, unjust in principle, and dangerous in tendency, there should be some especial reasons of overpowering weight and cogency for maintaining them. Let us see how far the arguments commonly urged in their defence deserve that character. Sir, we are first told of the value of the home market to the manufacturer. But by whom are we told this? By those who would by their own showing keep the price of corn here 100 per cent. above the price abroad. Their attempt to alarm the manufacturer by the prospect of losing a market in which his 100 pieces of broad cloth produce him 100 quarters of wheat, when he is to get in exchange a customer who will gladly give him 200 quarters, is reckoning, as it appears to me, not inconsiderately on his credulity. Akin to these assertions of the value of the home market, are the professions of anxiety for the welfare of the manufacturing classes by the same parties, and the earnest declarations of their belief that the interests of those classes and of the landholder are identical. These professions have been reiterated, I had almost said *ad nauseam*, both within and without these walls, and had served as the introduction to every measure for keeping up the price of corn. It is high time that this talk should be put an end to. The landholder and the manufacturer have a community of interest under a system of free trade in corn; they have not a community of interest under our present system; on the contrary, their interests are in direct opposition; our present system renders high prices necessary to the prosperity of the agricultural classes, whilst low prices, at least prices on a level with those of other countries, are essential to the manufacturer. These respective classes, accordingly, have never prospered at the same time since 1815—have never even appeared to prosper together, except at rare intervals, and from peculiar circumstances. I hold in my hand documents which completely prove this assertion, but I shall not trouble the House by referring to them unless this assertion be disputed. But, then, it is asked, how should we employ our agricultural labourers if we eat cheap foreign corn instead of dear English corn? If their labour be at present wasted, we had better maintain them in absolute idleness than employ them in wasting capital as well as their own time; but in truth there would be employment for them in the thousand channels which, in a thriving community, and with rapidly increasing wealth, are open to industry; independently of the consideration that the repeal of the Corn-laws would change the nature rather than alter the amount of the demand for agricultural labour. Again, it is said, that high prices of agricultural produce are necessary to enable us to bear the burthen of taxation, and that the Corn-laws, therefore, are wise and just laws, as producing that effect. Never was there a mistake so gross, I had almost said so ludicrous, as this. The power to support taxation depends wholly and solely on the net income of the community—on profits; that is, after defraying the cost of subsistence of the labourer, and replacing the funds of the capitalist. A net surplus of income is the only fund on which an individual can permanently rely to endure any burden on his finances, and as the cost of his subsistence is lower, so will his surplus be larger. That which is true of one man is true of a nation; and if we could with a free trade in corn procure the amount of bread now consumed in the empire by the labour of 500,000 fewer men, we should add annually to the national resources the whole produce of their labour (a produce little short probably of the interest of the national debt) now, on that supposition, utterly wasted. But does this proposition rest on theory alone? On the contrary, it is supported by the unanswerable logic of facts. If it be true that high prices of agricultural produce are necessary to enable us to support taxation, then the revenue would be flourishing when the prices of that produce were high, and decay when they were low. How do the facts for the last twenty years agree with this hypothesis?

The revenue of 1815, from the four
great sources of the income of

the state, viz. customs, excise, stamps, and assessed taxes, was		£75,045,882
The revenue of 1819 from the same sources		54,257,060
Being a diminution of . .		20,788,822
But in the years 1816, 1817, 1818, and 1819, taxes were repealed amounting to	£17,862,848	
Taxes were imposed amounting to	3,486,707	14,376,141
Actual falling off of revenue		£6,412,681

Now, during the period in which the defalcation occurred, what were the prices of corn? Low, of course, if the hypothesis to which I have alluded be sound. They were on the contrary, by very far the highest which have occurred since the peace, and almost equal during a portion of the time to the highest price of the war.

The mean price of 1816 was 76s. 2d. per qr.
1817 — 94s. 0d.
1818 — 83s. 8d.
1819 — 72s. 3d.
Mean price of the whole series — 81s. 6d.

The prices of the next four years were as remarkably low, viz.:

1820, 65s. 10d. .. 1821, 54s. 5d. } mean 53s. 10d.
1822, 43s. 3d. .. 1823, 51s. 9d. }

And during this period the condition of the revenue was as follows:—

Revenue of 1819, as above stated		£54,257,060
„ of 1823		54,465,845
Being an increase of . .		209,785
But in the four years there had been taxes repealed .	£6,800,145	
Less ditto imposed .	183,040	6,617,890
Real increase of revenue		£6,826,890

So that, with a price of 81s. 6d. (the price, be it recollected, at which it was hoped, expected, and intended that wheat should remain under the law of 1815) the revenue fell off £6,400,000 in four years, with a price of 53s. 10d. it improved in a period of similar duration £6,800,000. A comparison of the state of the revenue with the prices of wheat during the years since 1823 does not present results so striking as those I have already stated; but it yet affords results well worthy of the attention of the House. Still, taking periods of four years, the results are as follow:—

Revenue of 1823, as above . .			£54,466,845
Ditto of 1827			52,036,840
Apparent diminution . .			2,430,005
1824, 62s. 0d. 1825, 66s. 6d. 1826, 56s. 11d. 1827, 56s. 9d. Mean, 60s. 6d.	Taxes rep.	£7,528,825	
	Less imposed	307,832	7,220,993
	Real increase of rev.		£4,790,988
Revenue of 1827, as above . .			£52,036,840
Ditto of 1831			48,041,966
Apparent diminution . .			3,994,874
1828, 60s. 5d. 1829, 66s. 3d. 1830, 64s. 3d. 1831, 66s. 4d. Mean, 64s. 4d.	Taxes rep.	£5,837,188	
	Less imposed	1,325,556	4,510,632
	Real increase of rev.		£516,758
Revenue of 1831, as above . .			£48,041,966
Ditto 1835			47,646,920
Apparent diminution . .			395,046
1832, 58s. 8d. 1833, 52s. 11d. 1834, 46s. 2d. 1835, 39s. 4d. Mean, 49s. 3d.	Taxes rep.	£4,335,339	
	Less imposed	198,469	3,940,293
	Real increase of rev.		£3,940,293

It will be observed how invariably the revenue fluctuated inversely as the price of wheat—rising as the price fell, and falling as that rose. The House will, I think, agree with me that the results of the foregoing comparison are as instructive as they are striking. We shall not hear again, I trust, of the necessity of high prices to enable us to support taxation, or endure the burden of the national debt. The advocates of the existing corn-laws have mainly relied on their tendency (of the act of 1828, that is) to produce steadiness of price; their beneficial effects in this respect were brought prominently forward in the report of the committee on agricultural distress in 1833. Sir, the committee congratulated themselves somewhat prematurely, the fluctuations since 1828 having been from 75s. 3d. in November, 1828, to 36s. in January, 1836. I shall presently show that great fluctuations are the demonstrably certain consequence of restrictions on the trade in corn. I will only now observe that the slightest variation in the price of wheat which this country has known for a period of 140 years was from 1773 to 1791, the only time during that period in which we have had a free trade. The favourite argument, however, of the advocates of restrictions on the importation of corn is, that we may be independent of foreign nations for our supply of food. Now, if this independence have reference only to natural causes—if it be intended to assert that we shall be more secure against the defects of deficient harvests by growing all the corn we consume than by drawing a portion of it from other countries, the proposition is false, almost by its very terms. You ensure the regularity of any result precisely in the degree that you multiply the instances from which your induction is drawn—one field will yield a less certain annual produce than a whole farm, a farm than a county, a county than a kingdom, a kingdom than a continent, a continent than the world. But if by independence be rather meant an independence of the caprices of foreign governments, the position, although not capable of so strictly logical a refutation, is to the full as untenable. Under a system of free trade some portions of many nations, with every possible variety of situation and of interests, would be engaged in growing corn for our use; it would not be wantonly, nor lightly, that the government of any one such nation would distress its subjects by depriving them of a commerce so important to them. Is it conceivable that all would do so simultaneously? The very supposition is an absurdity. But, Sir, this talk of independence is unworthy of us, either as philosophers or legislators. So far from wishing to make a nation independent, as it is called, the aim of wise statesmen should be to render a nation as dependent as possible on its neighbours, in the clear conviction that such dependence must be mutual. As amongst individuals and families, so among the greater families of the human race mutual dependence, which is the very basis of the social compact, is the prolific source of the feelings which elevate and the enjoyments which sweeten existence; and precisely in proportion as nations are dependent on each other will the happiness of all be encreased, and the unspeakable calamities of war be rendered of less probable occurrence. But, Sir, if the Corn-laws do not conduce to the welfare of the whole community, what has been their operation upon that portion of the community for the benefit of which they were expressly enacted; how have they worked for the protection of the landed interest? Why, they have signally and notoriously failed. Taking the three great classes into which the agricultural interest, as it is called, may be divided, viz., the owners of the soil, the farmers or capitalists, and the labourers, the only class to which they have not recently worked injury are the labourers, and the labourers they have not injured precisely because they have failed in producing the effect which was designed and expected by the framers of them. It is because the Corn-laws have been lately inoperative in producing their designed effect on prices that they have failed to injure the labourer. We are furnished with decisive testimony by both the Committees of 1833 and of last Session on the state of agriculture. The Committee of 1833 in their Report say, "It is a consolation to your Committee to find, that the general condition of the agricultural labourer, in full employment, is better now than at any former period, his money-wages giving him a greater command over the necessaries and conveniences of life." The Committee of last Session made no Report; but I am sure that I shall meet with the concurrence of every Member of that Committee, and indeed of every one who has read the evidence, in stating that, if there be one single point placed by that evidence beyond dispute, it is the greatly-improved condition of the agricultural labourer. More than fifty witnesses, occupiers of land, from all parts of England, Wales, and Scotland, were examined, and among them scarcely one expressed even a hesitating opinion as to the state of comparative ease and comfort of the labouring classes. All, or nearly all, said in the strongest language, that the condition of those classes was better than at any period within their recollection, and all attributed it to the cause assigned in the Report of the Committee of 1833, viz., that the money-wages of the labourer gave him an unprecedented command over the necessaries and conveniences of life. This effect is precisely what reason and experience would lead us to anticipate. The labourer is directly and deeply interested in the cheapness of the necessaries of life, and all history shows, that the rate of his wages follows but slowly and inadequately a rise in the price of those necessaries. With respect to the farmer these laws have not only failed to confer on him the advantage it was asserted he would have derived from them that he would not have received had the Corn-laws been effectual for the attainment of their object—but they have, in many cases, worked his entire ruin, in all have been prejudicial to his interests, and must in the long run, by a process demonstrably inevitable, cause the entire destruction of the farming capital of the country. So far from the framers of those laws being entitled to call themselves the farmer's friends that they are, unintentionally no doubt, his bitterest and cruelest enemies. The farmer has no interest in high prices, even could they be steadily maintained, as in the competition which a limited quantity of land produces the landlord is sure to get, in the shape of rent, all the produce of those high prices which are beyond the ordinary profits of capital. The Corn-laws would be valueless to the farmer even could they keep up the price of corn; but what is their effect when, as is now or has been recently the case, they fail to keep it up? Why, that they are the cause of his utter ruin; the temporary rise of price they produce induces him to engage in a farm, in which his rent, his mode of culture, his expenses are all calculated on anticipations of a price of corn which he finds to be delusive; and, after a few years' struggle, in which part of his capital goes to the landlord, and part is utterly wasted, he throws up his farm a ruined and broken-hearted man. The farmer is merely a capitalist. That which is alone really interesting to him is, that the price of corn should be steady. That system is best for him which has the greatest tendency to produce steadiness of price. A free trade must demonstrably produce the greatest steadiness; and I assert, therefore, as an axiom not to be controverted, that the farmer has a deep and vital interest in the abrogation of the Corn-laws, and in rendering the trade in corn completely free. But the landholders—surely these laws, framed by them, and with a direct view to their advantage, must to them, at least, be highly beneficial. Sir, I am satisfied, that if there be one class of the community more deeply than all others interested in the abrogation of the present system, the landholders are that class. I rest this assertion mainly on two propositions, both capable of complete demonstration: first, that it is impossible, by any legislative enactments, permanently to keep up the prices of agricultural produce of this country considerably above its level in other countries; all that you can effect is to produce a ruinous fluctuation; and, secondly, that the attempt so to keep it up involves the risk not only of depriving the English landholders of the grea advantages which they at present possess but of depressing their condition as much below as it is now above the condition of the owners of the soil in any other part of the world. The whole scheme of keeping up the price of native-grown corn by legislative restrictions on the importation of foreign corn, whether these restrictions take the place of absolute prohibition under a certain price as by the Act of 1815, or of virtual exclusion by duties so high as to be prohibitory under the present law, the whole scheme rests on the assumption that we shall always be an importing country, that we shall always grow less than we consume, that there shall always be a tendency to dearth. It is quite demonstrable by *à priori* reasoning that this is a state which cannot be permanent. In order that dearth may not become famine it is necessary that such an amount of capital should be devoted to the cultivation of the soil as, in ordinary years, shall produce a supply equal to the consumption of the kingdom. This tendency of capital to flow towards the cultivation of the soil is certain; it will be attracted to that employment preferably to all others, because the demand for the necessaries of life is of all demands the least checked by high prices. The consumption of articles of luxury very speedily diminishes with advancing cost, but the demand for food must be satisfied; and until, therefore, the ordinary profits of capital cannot be obtained in raising corn, capital will be applied to its production, whatever be its cost. What is the inevitable result? The supply which in ordinary years was about equal to your wants, with an abundant harvest exceeds them, and the portion which is surplus to the national consumption must fall not only to the price which it will fetch in foreign markets, but as much below that price as will defray the cost of its transport. In the home market you cannot have two prices; the price of the surplus you have to send abroad must regulate the price of the whole, and you place yourselves therefore in the most disastrous of all conditions, viz., that your whole system of culture being calculated upon the price of corn far above the average prices of other countries, you must of necessity have at given intervals a price far below that average. The effect of so violent a revulsion is of course to check cultivation: some farmers are ruined, some struggle on, sowing a less breadth of corn; the supply again falls below the demand; your laws then come into operation, and cause the price to rise beyond the level of other countries. If a short harvest or two intervene, a rise takes place to a famine price; and whilst distress occurs among the manufacturing classes, wild hopes are again excited among the farmers, the growth of corn is again improvidently extended, and you recommence your miserable cycle. Are these only speculative evils? Do they exist only in the imagination of theorists? At this moment they oppress us: twice since the Act of 1815 has this succession of cause and effect, this ruinous alternation, taken place. The framers of the Act of 1815, and the persons engaged in the pursuits of agriculture, almost universally anticipated, as the consequence of that measure, a price of corn not averaging less than 80*s.*; in 1822 it was 38*s.* Mr. Canning, in 1827, said, when introducing his resolutions similar, or nearly so, to the provisions of the existing law—"The market will assume such a steadiness, that instead of a fluctuation between 112*s.* at one time and 38*s.* at another, the vibrations will probably be found to be limited within the small circle of from about 55*s.* to 65*s.*" Now, has this prophecy been fulfilled? In 1828 the price of wheat was 75*s.*; in 1836, 36*s.* What becomes now of your grave discussions as to the degree of protection to which the landed interest is entitled—of your laborious inquiries as to a remunerating price — that phantom which has always mocked your research? of your elaborate scale of ascending and descending duties? Providence blesses us with abundant harvests and sweeps away the puny effects of that legislation which would obstruct the equal distribution of its blessings. The real and permanent interest of the landholder of this or any other country must be, that the community of which they form a part should always import corn. You have so legislated as to render it absolutely certain that at given intervals we shall be an exporting country, and an exporting country too without a market. The evidence given before a Committee last year affords proof, clear and indisputable, that the Corn-laws have in this respect, viz., the tendency to produce great fluctuation, the effect I have ascribed to them. There was a remarkable concurrence of opinion among almost all the witnesses as to two most important points. First, that for some years, up to 1834, there had been a perpetually increasing tendency to enlarge the growth of wheat; and, secondly, that in 1835 there had occurred a striking revulsion in the tendency. The decrease in the breadth of wheat sown in the autumn of that year was, by almost all the witnesses, stated as considerable, and by some rated as high as twenty-five per cent., and even higher. The reason of this change is clear. Wheat has been the especial favourite of our legislation; it was supposed in old times to be the great reliance of the farmer. "Wheat paid the rent," it was said; and accordingly it has been in a yet higher degree than other grain the object of parliamentary protection. We have chosen to assume that 73*s.*, 41*s.* and 31*s.* are the prices that express the fair relation of the cost of growth of wheat, of barley, and of oats respectively, and the result shows how eminently absurd is any legislative interference in such matters. These prices did at no time perhaps express accurately that relation; but since the introduction of the four-course system of husbandry, which dispenses with fallow, and those improvements in cultivation which have rendered the lighter soils as applicable to wheat as to barley and oats, this assumed relation of cost has become utterly erroneous and devoid of foundation. What has been the consequence? Why—that whereas by your laws you say, wheat shall be 78*s.* per cent. dearer than barley, and 135*s.* per cent. dearer than oats, it has been during no inconsiderable period about, or very little above, the price of oats, and actually below the price of barley. It has been during the past year cheaper than at any period within half a century in England, cheaper even than the mean price of the countries from which chiefly we import it. The very article which it has been the darling object of your policy to keep not only high in price, but steady—which you will not permit the people of England to eat unless they will pay dearly for it—has fallen to a rate which has made it an economical food for pigs. But this is a temporary evil, it may be said, and will cure itself. No doubt it is in a rapid process of cure. Your admirable system, having wasted an enormous portion of the capital of the producers of corn, is now about to show how successfully it can afflict the consumer. Capital has been abstracted to so great an extent by the growth of wheat, that unless we have a harvest this year of unusual productiveness, we shall see prices, before the crop of 1838 can be reaped, which will, I suspect, produce remonstrances from the manufacturing districts very different in tone from the language in which they now address you. But, setting aside the effect of monopoly to produce the fluctuations I have described, conceding that our harvests are always to be of uniform produce, admitting that we can succeed in maintaining a state of partial dearth—which is never to rise into abundance on the one hand or to sink into famine on the other—admitting for a moment all these impossibilities, could you then keep up the price of corn considerably above the level of other countries? Even then, Sir, it would be impossible. One of two things must happen: either your manufacturing capital would depart to other shores, and the population which it at present supports must be reduced by emigration, or the more dreadful process of misery, and the home market for corn being thus limited, the price of course reduced; or you would drive your labourers to cheaper food, and thus equally diminish the demand for wheat. It is an absolute condition of the existence of our manufactures that the rate of wages should not be greatly above the rate in other manufacturing countries, and if the price of bread be such that it is not within the reach of the operative, he will betake himself to potatoes. Where will then be your market for corn? What the condition of the humbler classes? What their resources against famine? What will be the chances of the preservation of order, or the stability of property? I repeat, you cannot maintain permanently a price of grain much above the average price of other countries; the utmost you can achieve by legislative interference is to produce a miserable fluctuation, alternately crushing into ruin the farmer or the manufacturer, and always injuring both. But can this state of things be really and permanently for the benefit of the landlord? Can rents nominally higher, but often unpaid, compensate to him for the ruin of his tenants, the impoverishment of his land, and the slow but sure destruction of that manufacturing and commercial greatness to which alone he owes the superiority of his condition over the landholders of any other country under heaven? By grasping at the shadow will he not lose the substance? The overflowing wealth which commerce and manufactures have poured into the lap of England, and the demand which the crowded cities which have grown up at their bidding afford for every production of the soil, confer upon land in this country a value absolutely unknown in any other country, and until comparatively a recent period unknown in our own. Ample proof of this fact is to be found in the report of Mr. Jacob, who, in the years 1826 and 1827, visited, by direction of Government, the great corn-growing countries of Europe. Throughout Denmark Prussia, Poland, Gallicia, and Hanover—throughout the wide regions watered by the Vistula, the Weser, and the Elbe,—either rent does not exist at all—the proprietor being under the necessity of cultivating his own estate—or it varies from *5s.* per acre to *15d.* per acre. By the testimony of Locke, it appears that *5s.* per acre was a rack-rent in his time in England. Not the smallest additional developement can be given to the operation of the steam-engine, not the least improvement can be effected in the loom, which does not add to the value of every landed estate in the kingdom. It is not in the higher price of corn alone that the advantages of the English landholder consist. The admirable roads, the means of transport by canals and railroads, the abundance of capital, the facility of credit, the demand for those articles in which he never can be rivalled by the foreign agriculturist—for animal food, for milk, for butter, for esculents, for hay, for straw—all these are advantages of which it is not easy to overestimate the value. The English landholder possesses a natural monopoly in being proprietor of the soil in the richest and most densely-populated country in the world. By attempting to add to it an artificial monopoly, he may lose some of his present, but can gain no additional advantages. The precise degree in which we can afford to pay more for the necessaries of life than is paid by other nations is the degree to which, by our greater capital and skill, and the possession of coal and iron, we can underwork those nations in manufactures. The only mode by which we can be assured of not overstepping those limits is by leaving the trade in the necessaries of life free. To preserve that commerce and manufacturing superiority which gives to the British landholder his present pre-eminence, will demand, in any case, an arduous struggle. By permitting a free trade in the necessaries of life—thus raising the price in those countries which are our manufacturing rivals, and depressing it in our own—you take the best means in your power to render us successful in that struggle. But I repeat, that, under any circumstances, success will be of difficult attainment; without an alteration of our present system it will be impossible. Sir, I well know the answer that will be made to this assertion. I shall be referred to the increasing amount of our exports as proof that our Corn-laws are not inconsistent with the prosperity of our manufacturing interests. It is with the full knowledge of the facts on which such an argument may be grounded, that I repeat my deliberate conviction that our manufacturing and commercial supremacy trembles in the balance. Our Corn-laws affect our manufacturing interests by a double process: first, by depriving our manufactures of extensive markets, which would be otherwise open to them; and, secondly, by disabling them from successfully competing with their foreign rivals in those markets to which both have access. You have already lost, or are rapidly losing, your European markets. How long will you retain those of the other portions of the world? On this point I beg to call the attention of the House to a document recently circulated by the Cotton Association of Glasgow and the west of Scotland, relating to the cotton manufacture, by far the most important of all the branches of our national industry. I find it there stated, that the consumption on the continent of Europe of raw cotton was last year upwards of 600,000 bales—that the cotton manufacture of France has increased in ten years 58 per cent., whilst ours has increased only 50 per cent.; but in the same time that of the United States of America has increased 121 per cent. I find it stated that the cotton hosiery is manufactured in Germany so cheap that it is imported into this country, notwithstanding an import duty—that of cotton yarn the importation is gradually confining itself to the finer qualities, clearly proving that even in spinning, that especial branch of the manufacture in which we have been accustomed to consider ourselves secure from competition, the exertions of our continental rivals are daily becoming more formidable—that in every market of the world, in Mexico, in the Brazils, in China, in India, at Malta, at Smyrna, and Constantinople, the heavy cotton cloths of the United States of America enter into successful competition with the produce of the English looms. I find it asserted that in America the manufacturer gets his raw material cheaper; that on the continent of Europe wages are lower than in England, whilst in both water power supplies at a cheaper rate the agency of steam. Now, I entreat of the House to weigh attentively the object with which these representations are made; it is to induce the Legislature to take off the small tax yet levied on the importation of cotton wool, five-eighths of one penny per pound, amounting on the whole of the goods manufactured to only two per cent.; and it is the deliberate opinion of the Association that the removal of even this amount of pressure is essential to enable the British manufacturer to endure the competition of his foreign rival. I hesitate not to say that the Association is right, and that the duty must be taken off. But I say further, that this relief will not suffice; that wages which form so much larger a component part of the cost of manufactured goods, cannot in England permanently remain much above the wages paid in similar branches of manufacture in other countries, and that such approximation of the rate of wages here and abroad can only take place without a convulsion by an approximation also in the prices of the necessaries of life. Of the amount of risk we should incur by seriously endangering the loss of the foreign market for our cotton goods, the House will judge when I state that of the cotton manufacture, which leaves for profit on capital and wages of labour not less than 25,000,000*l.* per annum, and employs or supports from two to three millions of individuals, two-thirds, or perhaps three-fourths, find a vent in foreign markets; that under our present system these, the chief sources of our national wealth and greatness will be dried up; that if we do not abrogate the Corn-laws—those laws which, whilst they exclude us from one-half of the markets of the world, will render us unable to support competition in the other—we shall sooner or later lose our manufacturing supremacy, I hold to be certain. My own opinion is that the epoch of that loss will not be long delayed—but, be its occurrence nearer or more remote—if there be truth in reasoning, or certain anticipations to be drawn from experience—come assuredly it will. In the issue of this great experiment the landholders are more deeply interested than any other class of the British people. I repeat that the landowners are more interested in the issue of the question than any other class of the community. If England retain her present commercial and manufacturing superiority—if she be, by the enjoyment of a free trade in the necessaries of life, permitted to advance in her career of prosperity—if, as her population increases, her wealth increase in a yet greater ratio—if her people acquire an increasing command over the comforts and enjoyments of existence—there will be a safe and extending market for every various produce of the soil, and land will improve in value by a sure and rapid process. If, on the other hand, our commerce should decay; if our manufacturers, excluded from the continent of Europe, should be undersold in trans-Atlantic markets, and the millions who depend on them should be left without employment, what would then be the condition of England? I will not dwell upon a prospect appalling to contemplate. I will only remind the House, that should such ever be our condition, the wealthy capitalist, the skilful artisan, would quit our shores, leaving an unemployed and desperate population as a burthen on the landholder, who must perforce remain a witness and a victim of the ruin he would have caused. Having now, Sir, stated to the House, however inadequately, the amount and nature of the risk we incur by a prolonged existence of the present Corn-laws, and the deep interest which all classes of the community have in their immediate abrogation, it remains for me to point out what regulations I would substitute in their place. I would propose to sweep wholly away the system of average and fluctuating duties, and to leave the importation of every species of grain perfectly free, subject only to a moderate fixed duty. I would abolish the fluctuating duties, because, in whatever degree reduced, they would still be destructive of the most essential element of a free trade, viz.—a certainty as to the amount of the charges on the importation of foreign corn. I would have the fixed duty of moderate amount, as a high fixed duty would, of course, in proportion as it operated to the exclusion of foreign corn, produce all, or nearly all, the evils I have ascribed to the present system. The duty should be in amount an exact equivalent for the burthens which the agricultural capitalist has to sustain beyond what is borne by the rest of his fellow-citizens, and which enhance the cost at which his produce can be brought to market. The amount of those burthens is clearly the exact measure of the protection to which the agricultural interest is entitled; for whilst, on the one hand, it is both just and expedient that the weight of taxation should be diffused equally over the whole community, and not be permitted to press more heavily on one branch of the national industry than another; on the other, it cannot be contended that the taxation which is raised from the agricultural classes, in their character, not of producers, but of consumers, that taxation which falls only on the rent of the landlord or the profits of the farmer, can give a claim for peculiar protection. Having defined the rule by which the new duty should be calculated, I might fairly, perhaps, leave my motion in the hands of the House, and devolve on the Committee the task of applying that rule. I feel, however, that the more open and candid course, although not the best adapted for securing support to my motion, is to state what, in my opinion, should be the amount of the permanent duty. I should propose, if the House accede to my motion, that the new law should come into operation on the 1st of June of this year; that from that time to the first of June, 1838, the duties should be 10*s*. per quarter on wheat, 8*s*. on barley, and 6*s*. on oats; to the 1st of June, 1839, 8*s*. on wheat, 6*s*. on barley, and 4*s*. on oats; and from that time permanently 5*s*. per quarter on wheat, 4*s*. per quarter on barley, and 3*s*. per quarter on oats. The ground on which I fix the relation between the different kinds of grain I have named, the duties to be fixed on the less important sort I have not named, will be matter of discussion in the Committee. I will now merely say, that the duties I have mentioned are more than a full equivalent for the whole of those charges which press exclusively on the landed interest, or enhance the cost of growing corn. Sir, it may, perhaps, be expected that I should express some opinion as to what would be the price of corn, in England, under such a law as I have proposed. My own complete conviction is that, with a free trade and a duty of 5*s*., wheat could not, to the extent of one fortnight's consumption of the kingdom, be imported under 40*s*. to 45*s*. per quarter; that would, of course, be the mean price of this country, and, minus the duty and cost of transport, the price of every country with which we have intercourse. I am aware that this conclusion is at variance equally with the opinions of the most eager advocates and strongest opponents of the abolition of the Corn-laws; but I am, on full investigation, satisfied of its correctness, and I state it because, whilst I believe the benefits and blessings which a free trade in corn would confer on every class of the community are scarcely to be calculated, I am anxious that the true nature of those benefits and blessings should not be misunderstood on the one hand, nor the sacrifice at which they are to be obtained overrated on the other. A free trade in corn would restore those friendly and intimate commercial relations with the nations of the world which our Corn-laws have interrupted—relations not to be shaken, because they would rest upon the natural wants and capabilities of every country, and be cemented by the interchange of mutual benefits. A free trade in corn, whilst it would re-open to our manufacturers the markets of Europe, would, by insuring to them a moderate and steady price of the necessaries of life, enable them to support competition in those of the New World. Nor is there any sufficient ground for believing, that these most important national objects would be gained at the price of any considerable derangement in British agriculture. I have already shown, on grounds which cannot, as I think, be impugned, of what deep, what vital importance to the permanent well-being of all the classes concerned in the cultivation of the soil, is a free trade in corn. That object should be steadily pursued by the agricultural interests, whatever be the amount of temporary inconvenience by which the return to a sound system should be accompanied. But the amount of that inconvenience has been greatly overrated. It is impossible, I think, attentively to weigh the evidence given to the Committee of last Session, without perceiving that the protection hitherto given to agriculture, has had the same effect, in that instance, as in all trades to which it has been applied, viz.: that it has paralyzed exertion, and caused the misapplication of capital. I do not believe that more than a very moderate quantity of foreign-grown wheat could be laid down here at less than from 40*s*. to 45*s*. per quarter, and I am altogether sceptical as to the British agriculturist being tenable to grow it at that price. He has enormous advantages over his foreign competitor, and with the improved culture and more judicious application of capital which would follow on the establishment of free trade, I doubt whether more than a very small portion of the land of England would be found incapable of producing corn at a price to compete with the foreign growth. If, instead of persisting in the absurd and unjustifiable attempt to keep up the price at which corn shall be sold, we apply the vast resources at our command to cheapen the cost of its production, I believe that not only the present, but a much larger, quantity might be grown, and grown with a profit at a rate to defy foreign competition. This is the path that has led to our triumphant success in manufactures; and, I believe, that in agriculture it would lead to a like result. No doubt, with an increasing population, a period must arrive when this process could be carried no further. Even the vast advantages possessed by the British agriculturist, would not enable him indefinitely to augment the produce of the soil of England. The great value of a free trade in corn is, that it would indicate the precise point at which the aids to be derived from a dense population, and the application of capital and science, would cease to counterbalance the effect of the mere fertility of soil in countries not possessing such advantages. I believe that period to be yet remote. Ample support for this opinion might be drawn from the evidence given to the Committee of last Session, but I feel that it is totally unnecessary that I should trespass on the indulgence of the House for this purpose. All such considerations merge in the wider conclusion—the grounds for which it has been my main object clearly to lay before the House, viz., that an equality, or nearly an equality, in the price of the necessaries of life in this country, and those which are our manufacturing rivals, is the absolute condition—I will not say of our prosperity—but of the security, almost of the existence, of our social system. If it be really true that wheat can be grown in other countries at a cost which would admit of its being laid down here at a price much lower than I have named, that fact only renders more certain the advent of the ruin which I have predicted as the consequence of a perseverance in our present system. In conclusion, Sir, I would implore the Members of this House, more especially that large portion connected with the agricultural interest, to weigh calmly and dispassionately that which I have laid before them. Mine has been little more than the humble merit of bringing into one view the overwhelming arguments which bear upon this great question; but to those arguments can there be a reply? I call on them as men of honourable feeling to free themselves from the suspicion of legislating with sordid views and for their own immediate benefit. I call on them as statesmen to expunge from our own statute-book laws which are a disgrace to the intelligence of the age, which furnish an excuse for every lingering error, for every absurd restriction in our commercial code. I call on them as lovers of their country to avert the dreadful calamities which a perseverance in our present system will, at no distant period, entail on England. I warn them as prudent men to delay no longer the solving a question on the wise solution of which depends, I venture to assure them, not the value only, but perhaps the very tenure, of their estates.

Mr. *Villiers* rose to second the motion of the hon. Member for the Tower Hamlets. He said that he hoped that if he appeared to be eager to raise his voice upon this question he should be excused when he said that he sat in that House by the suffrages of men whose livelihood and whose interests were identified with the industry and commerce of this country, and that they considered, and justly considered, he thought, that those great interests were more affected by this measure than by any other and every other together. By this motion the industry and commerce of the country pleaded before the Legislature, and asked for liberty; and however anomalous it might appear in a commercial country boasting of a representative Government, for a quarter of a century they had offered up this prayer to the House without success; and it seemed that those that maintained these laws raised the issue to the country, whether it was to the skill and industry, the manufacturing and commercial enterprise of the country, or to the virtues of the soil, or the owners of the soil, that we were indebted for our greatness and consideration in the world. The support of the Corn-laws raised this question. He considered that this country owed everything to commerce and manufacture, and those interests were sacrificed to the interests of an unproductive class; and he now called upon the owners of land who occupied entirely one House of Legislature in this country, and who greatly preponderated in another, to declare in the face of the country and the world on what ground it was, that they passed and maintained laws for the advancement of their own fortunes and to the injury of the rest of the community. He hoped that the reasons would be stated clearly and with distinctness, and that the House would not hear repeated tonight those idle fallacies, those vague generalities, that dishonest reasoning, which seemed to cloud and disfigure every previous discussion. The question of Corn-laws was a clear one, and needed no mystery; it was one of trade between a producer and consumer; and he contended that the Legislature ought not to consider the producer in any other than his commercial relation to the rest of the community; and if they compelled the consumer to pay a higher price than circumstances required, it was rank tyranny and injustice. He therefore called for explicit reasons to justify and explain the grounds of this striking deviation from policy and justice. He had referred to the discussions and defences which had been offered upon previous occasions for this system, and he had observed that three or four grounds were usually taken, which were chiefly worth mentioning from their frequent repetition: the first was, that land was the basis of all prosperity; the second was, that we ought not to depend upon the foreign countries for supplies; the third, that we could not pay our public debt or maintain our burthens without the Corn-laws to secure high rents to the land-owners. Now what was the meaning of that statement as connected with Corn-laws, the effect of which was to maintain high prices and to keep poor land in cultivation? Were they to be told that England's glory was to be traced to high prices paid for the produce of poor land? But it was always added, that commerce and manufacture only flourish when land was prosperous. And did not that require a distinct inquiry into the way in which manufacturers added to the prosperity of this country; and he would ask was not that caused by producing more than we consumed, and by exporting the surplus? Was it not by the goods which we imported in exchange for our exports that we added to the stock of our wealth, that we became rich and increased the sources of the revenue? And yet what was the effect of the Corn-laws but to raise price, and thereby limit production and was it not evident that Corn-laws were rather the cause of poverty than the basis of prosperity? The next ground was perhaps the most puerile; it indicated want of thought and ignorance of human nature. It supposed that we were in danger from depending upon the foreign producer of grain, lest they should withhold from us the necessary supplies. This involved two assumptions, one false and the other absurd. In the first place, it assumed that we were now independent of foreign supplies, when it was notorious that we had not been so for forty years past; but the nature of our dependence was precisely that which was most dangerous, for it left the producer uncertain as to the time when we should require those supplies; and at one time consequently, in 1816, the price of wheat was 113*s*. a quarter, owing to the supplies being inadequate. But did not persons see who urged this argument, that it applied to commerce altogether, and that we ought not to depend for any article on which the livelihood of any portion of the community depended? That argument would apply to the million of people who depended upon the importation of cotton wool for manufacture, as well as to the few who might live on foreign corn. And what ground was there for another defence of the Corn-laws, that it was necessary to keep up high rents to pay our national debt. Why, what were the sources of our revenue? Did not the House know that seventy-two per cent. of the revenue was paid by the customs and excise; and what were the duties of customs but the duties paid upon our imports in exchange for what we exported. Did it not appear, therefore, that just in proportion as we extended our commerce, so did we improve our revenue, and that as Corn-laws raised price they limited the foreign commerce and diminished the revenue? Again, could the landowners pretend that they paid more to the excise than the rest of the community, when that depended upon the public consumption, and that the cheaper people procured food the more they had to expend on other things? Did Gentlemen know who urged this argument, that in one branch of trade alone, the cotton trade, seventeen millions was paid in wages, besides what was paid in every other trade; and if this principle were sound, why should it not apply to all other interests as well as land? Make any class rich by law, and they would have more to spend; but the Legislature could only do that by robbing the rest of the community. It was usually urged in favour of the Corn-laws —that the landowners had exclusive burdens to bear, and therefore they ought to be indemnified by Corn-laws. In dealing with these exclusive burdens he begged first to remark, that they were of that nature, that no one landowner had the right to claim indemnity; and if that were not manifest before, he might refer to the discussion of the last three nights, when it was distinctly admitted, that the church-rate was a charge upon the land, and that the land had no right to be relieved from such a liability. And where, he asked, was the difference between that charge and any of those charges now in question? But if the Corn-laws were to be an equivalent for these exclusive charges, why, there ought to be some adjustment of the charges made upon the public on that account. They heard of reductions of the poor-rates, of one-half of the county-rate being fixed upon the consolidated fund, but they never heard a whisper of any reduction in the duty on foreign corn. Again, with respect to tithe, what the agriculturist had to complain of was, that it prevented improvement and cultivation of fresh land; but the Tithe Act of last year remedied this in future, and thereby raised the value of land. But was the duty on foreign corn to be therefore reduced or was that which the right hon. the Member for Cumberland called the *locus standi* of the landed interest to be raised still higher by continuing the Corn-laws? But with respect to this ground of resistance to the repeal of the Corn-laws, he should like to remove it by repealing the tax on malt, if the landowners would consent to open the ports for foreign grain: he would vote for the repeal of the malt-tax tomorrow if the Corn-laws were repealed. Again, he must observe, that the landowners were exempted from many burdens to which other classes were liable, or bore them in a less degree; he might name the house-tax, from which farm houses were exempt, the window-tax, and the tax upon horses and dogs, which were not levied on such as were engaged in agriculture. On what grounds had they escaped nearly thirty millions of taxes, unless it was on account of the exclusive burdens imposed upon them? But that surely could not be urged in excuse for any advantage which they possessed. He was speaking the opinions of those who advocate the repeal of the Corn-laws when he said, that for that inestimable advantage the public would willingly bear their share of all those burdens which the landed interest called exclusive. The public would be the gainers, from the calculation that had been made of the pecuniary loss to the country by the present Corn-laws, though it took all those exclusive burdens on itself. Upwards of forty-five millions of quarters of grain were consumed annually in this country. Every advance of price, of one shilling a quarter more than was necessary cost the country two millions sterling. The landed interest objected to the fixed duty proposed by his hon. Friend, that wheat would fall 8*s*. a quarter. According to their own calculation, therefore, nearly twenty millions were lost annually to this country. Would the public not be gainers then by taking all these alleged exclusive charges upon itself? If the agriculturists would not accept these terms, what could the public think of what was alleged in favour of the Corn-laws? Would they believe that the landowners only gained an equivalent for their exclusive charges? But did the evil end there? Was there nothing worse than paying twenty millions a-year for the benefit of one class? Had we nothing to apprehend from what was going on in the world in consequence of our system? Had we not provoked a confederation of twenty-six millions of people in the heart of Europe, with a view to resist the introduction of our manufacture, and to attempt to compete with us in the market which we had hitherto commanded. Did we not see attempts made in every quarter to oppose what was called our "commercial despotism?" When we learn the fact that has been authenticated at the Board of Trade, that already we had been successfully opposed by the manufacturers of Saxony and Switzerland' producing cheaper than ourselves, why were we not to look with alarm at the prospect of success which might attend their rivalry with our manufactures? This was really the most important part of the question. He thought that we had the remedy in our hands by at once acting upon that simple, sound, and just principle of "free trade"—that which left to every man to dispose of the fruits of his labour and his capital in the market where he got the most in exchange for them. This would enable us to sustain our burden, to augment our wealth, and escape decline and decay. Mr. Villiers then read passages from pamphlets of Sir James Graham, Lord Fitzwilliam, and from the protest of Lord Grenville, in 1815, against the Corn Bill, in favour of his views, and said, that he should support the hon. Member's motion, as he was anxious that the transition from the present vicious state to a more healthy one, should be attended with as little distress and loss as possible.

The Marquess of *Chandos* said, that the hon. Gentleman, the Member for the Tower Hamlets, in the course of his speech of that evening, had not been sparing in his attacks on the landed interest of the country; and it appeared to be his object to compare it with the manufacturing interest. Now he held a paper in his hand which contained the names of twenty-two hon. Gentlemen of the opposite side of the House, who formed part of an association called the Anti-Corn Law Association. This Anti-Corn Law Association was composed chiefly of manufacturers, whose object it appeared was to cry down the farmers and agriculturists, and deprive them of the enjoyment of their just rights. This association, thus avowedly formed for the purpose of putting down the Corn-laws, had drawn up and circulated a series of resolutions for the guidance of their supporters. The first resolution contained instructions for the purpose of forming branch anti-corn law associations, and directions as to the best means of obtaining the insertion of articles and reports in the metropolitan and provincial newspapers, and on the best mode of circulating extracts and transcripts of their proceedings. Now what, he would like to know, would be said by the manufacturers if the agriculturists leagued together against them for such a purpose.

The outcry would then be the tyranny of the farmer. There was one thing, however, in the discussion of the subject that evening which he rejoiced to find had transpired. The talk was no longer to protect the people against the farmer and agriculturist, but it was now plainly and openly avowed, that the question was brought forward upon the principle of free trade. On that he would at once take his stand, and there pledge himself throughout his life to oppose free trade by his utmost exertions and to the best of his ability. He could not conceive what right hon. Gentlemen opposite had to talk of the protection afforded to the farmers when they themselves, as manufacturers, required protection. Were not their goods protected by duties? On this subject he was rather at a loss to conceive what course the right hon. Gentleman opposite (Mr. P. Thomson) and his Majesty's Ministers would think proper to pursue. He thought it was the duty of his Majesty's Ministers to come forward, state their intentions, and tell the landed interest and the country, that they were to have their support, or that it was to be given to the principles of the hon. Member for the Tower Hamlets. He thought, that if they adopted the latter course, and it went forth to the country that free trade was to be the foundation of the new Corn-laws, backed by the authority and influence of his Majesty's Ministers, the announcement would be received not only with surprise but alarm and mistrust. With the hon. Member who opened this discussion, in a manner creditable to him for its fairness and ingenuity, he had no quarrel. He believed that his principles were correct, and that was sufficient. But with those principles he differed *in toto* and entirely, for he would take upon himself to say, that so sure as the duties were reduced, so surely would there be a fall in wages, and he would put it to any hon. Member, whether he would place the poor man in such a position? It was a motto well known and respected in this country —"live and let live." But that motto would not be followed by hon. Members if they took that protection for themselves which they denied to the agriculturists. He was aware, that in many parts of the country a great outcry and clamour was raised at the operation of the Corn-laws. But were the landlords therefore to be told, that their interests were to be sacrificed? He for one said they ought not, and he knew that he spoke the language of thousands and millions of his countrymen, and he would repeat for them, that they wanted not monopoly but protection. If the principle of free trade were to be adopted in corn, it must be extended to every thing, and the manufactures of foreigners must be cherished instead of our own. To this he thought that an English House of Commons would never be found to consent. The farmer, he repeated, wanted no monopoly, but he demanded equal justice and protection with the manufacturer. He was aware that tumults might be raised on the subject of the Corn-laws. These should not be laid at the doors of the farmers, but at the doors of those individuals who formed anti-corn law associations, for the purpose of exciting the people. He would meet such societies boldly, and manfully oppose them. They had been told, that England owed every thing to the manufacturing interests. Was it the manufacturing interests who supported the country through the late war? Who was it maintained the country under its heavy debts, and who was it that maintained the peace of the country? Why, it was the agricultural interest; and many of those now sitting in that House would not have had possession of their seats but for that interest. He would no longer trespass on their attention, which he did not often do; nor should he now but that he felt deeply on the subject under discussion. Some had spoken of frauds which had been committed in consequence of the operation of the Corn-laws, and he had no doubt they existed; but agitation was not the way to correct it. He for one would never consent to sacrifice a large class of his countrymen for the benefit of foreigners, or for the more unworthy purpose of courting popularity. It was, he was well aware, the opinion of the agriculturists that, although the Corn-laws had been frequently altered, they were never so well as under the last basis of 1828, and that they were much more anxious to maintain them in existence than to see them undergo any change.

Mr. *Ewart*, as a member of the Anti-Corn Law Association, defended the proceedings of that society. It had been formed on the principle of self-defence; and when the noble Marquess adverted to the fact of the existence of an anti-corn law society, let it be recollected that there were two formidable associations combined to support the present system of Corn-laws —the one being the House of Lords and the other the House of Commons. The noble Marquess, however, admitted himself to be an advocate for free trade in manufactures.

The Marquess of *Chandos* explained. He had said, that he was not opposed to the giving protection to the manufacturing interests; but if these were given it followed (and he contended for it) that the agricultural interest should also be protected.

Mr. *Ewart*: Then the noble Marquess wished to establish one ingenious complicated system of monopoly. But however suitable the sentiments of the noble Marquess might be to the rural population of Buckinghamshire, or to the agricultural orgies at Aylesbury, they were not in accordance with the principles of political economy. He could inform the House, that a Commissioner who had been sent out from this country had an interview with no less a person than Prince Metternich, who quoted Adam Smith, one of the greatest philosophers that ever lived, against the principle of his mission, and said—"Take our corn and we will take your manufactures." He was sorry, that on so important a subject as that of the Corn-laws the people of this country were not sufficiently awake to their own interests. But the labourers of this country were now beginning to understand this question; and ere long it would be so well understood by the people of England, that they would make the aristocratic interests tremble. The present Corn-laws operated prejudicially in two ways—they acted as a burden upon the consumer, and they prevented the extension of the national wealth.

The Earl of *Darlington* was far from advocating a system of free trade in corn, because he did not believe it could long be continued in a country like this. He was not disposed to contend against free trade generally, and he disliked prohibitory laws; but he held that there were cases in which there must be protecting duties. Why should agriculture be denied the protection that every other interest in the country enjoyed? He looked upon agriculture as the primary source of all the wealth of the country — the base upon which our commerce, trade, and manufacture rested. He was opposed to an alteration of the existing Corn-laws, not only because he felt it would deprive the agricultural interest of a protection it had a right to enjoy, but also because it would awaken hopes in the minds of the manufacturers which could never be realised. One argument in favour of the measure was, that it would bind foreign states to our interest. The greater were the concessions which England made to foreign powers the less was given them in return. He would instance France as a case in point, where we could scarcely obtain the slightest relaxation in her commercial code, although we consumed more of her produce at low duties than any other nation whatever. There was a jealousy of the landed interest in existence which he was sorry to see. He could not conceive why it should exist, and he hoped such an unworthy feeling would not long continue. He was determined to oppose the motion.

Sir *William Molesworth*: In reply to the arguments that are usually advanced in favour of the present Corn-laws, I cannot do better than repeat the arguments of my hon. Friend, the Member for the Tower Hamlets. He showed the injuries which it does to the growers of corn, by maintaining a false hope of high price. This causes a large quantity to be grown, and a low price. Then, when the quantity is diminished by bad harvests, and the farmer should gain in price what he loses in quantity, the letting in of corn from foreign countries where the harvest has been good is equally injurious. These are, however, objections only to the existing Corn-laws; they are not arguments against a total prohibition of corn, nor are they arguments in favour of a total repeal of the Corn-laws. I support the motion of my hon. Friend as a preliminary step to the abolition of all Corn-laws. The question of the Corn-law, as an economical question, is with reference to its effect on wages and profits. I object to a Corn-law because it tends to produce low wages and low profits. With low wages and low profits the bulk of the community is uneasy, miserable, and discontented. The common objection to the Corn-law is that it makes bread dear. But this objection in itself, separated from all other considerations, is hardly a solid one; for it is evident, if dear bread be accompanied by high wages, that dearness is a matter of no consequence to the labourer. In the same manner, if cheap bread be accompanied by low wages, the labourer would not gain by that cheapness. When the labourer is obliged to work hard for subsistence—when he is obliged to exchange a large amount of labour for a loaf of bread—then he suffers; but his suffering arises from low wages. The important point is the case of the community. The object to be attained is the happiness of the people. The great economical means of producing that result are high wages and high profits. Every thing which tends to produce low wages and low profits is injurious to the well-being of the community. Wages depend upon the proportion between the number of labourers and the means of productively employing them. If the number of labourers be large, and the means of productively employing them small, there will be a severe competition between labourers—they will naturally beat down each other's wages, and the wages of labour will be low. Prevent this severe competition, so that the wages of labour may be high—may be in proportion to the price of food, and then the dearness of bread is a matter of no consequence. It is just the same with regard to profits. Provided the quantity of capital be such that the competition between capitalists be not severe, profits will be high, notwithstanding dear bread, as was the case during the last war; for profits depend upon the proportion between the number of capitalists, or (to express myself correctly) the proportion between the amount of capital and the means of profitably investing that capital. If the amount of capital be large, and the means of profitably investing it be small, there will be severe competition amongst capitalists; they will mutually beat each other's profits down, and profits will be low. Prevent this severe competition between capitalists, and profits will be high whether bread be cheap or dear. Labourers and capitalists both suffer, then, from hurtful competition, and hurtful competition is the consequence of the field for the productive employment of labour, and capital being too small. Every thing that tends to make that field too small tends to lower wages and profits, and is injurious to the well-being of the community. But there is a tendency in labour and capital to augment more rapidly than the means of employing them, and consequently to produce hurtful competition. Augment employment for labour and capital (for instance, by some agricultural improvement, which renders productive a large quantity of land which had previously been sterile), then hurtful competition ceases, but only for a time; for population and capital will both grow up to the new field of employment, hurtful competition will again exist, and wages and profits will ultimately be lowered to the former standard. These positions seem to me to show the evils of the Corn-laws. Considering the state of this country with regard to the rest of the world, there might be a perpetual increase of the means of productively employing our capital and labour; that is, we might perpetually import food from other countries in return for our manufactures. This the Corn-law prevents. Suppose the Corn-law repealed, capital and labour then might increase to any extent. What matters it provided food can be obtained? With our perpetually increasing and inexhaustible powers of purchase, our importation of food from other countries might go on increasing for generations, so that with a great increase both of population and capital there should be no hurtful competition. In this country there is a hurtful competition between labourers and between capitalists. Labour and capital are superabundant compared to land; consequently both wages and profits are low. A free importation of corn would be equivalent to the addition of so much land to this country. As long as our means of purchase by our manufacturers should go on increasing, so long might capital and population increase without producing hurtful competition; just as if with each addition of capital and population the land of this country were increased. There is an important distinction between capital and labour. When profits are low in consequence of a superabundance of capital compared to land, it flies off to other countries, and employs the labour of other countries, and leaves behind the domestic excess of labour. With a free importation of food, increasing capital would be invested here, and would provide employment for increasing labourers. Not only the capitalists and labourers suffer from the excess of capital and people. The competition which arises from that excess is not confined only to those two classes; for interest is according to profit. Every person who lives upon the interest of capital suffers from the Corn-laws; and so do the professional classes, the demand for whose services is limited by the Corn-laws. It would be difficult to name the class or the individual who does not suffer from the Corn-laws, with the exception, perhaps, of the landowner. I think it might be shown, provided that rent depends (as I believe it does) upon the wealth and population of a country, that the landowner suffers from the Corn-laws; for there is not a manufacturer, nor a shipowner, nor a merchant, nor a shopkeeper, nor a professional man, nor a working man of any description, nor even a landlord, who would not gain by a change which would allow the capital and population of this country to increase continually. For all classes, with the exception of the landlord, a repeal of the Corn-laws would put an end to injurious competition. With regard to the landlord, the repeal of the Corn-laws would undoubtedly decrease the competition for the use of his land for the purpose of growing corn; but in the increasing wealth and population there would be an increased demand for the use of his land for an infinite variety of purposes. No one can doubt that if the wealth and population of this country were doubled there would be a greater demand for the uses and products of English land exclusive of corn than there is at the present moment inclusive of corn. So far for the political economy of the subject. But there is another more pressing, if not more important question. Since we passed a Corn-law, which sets a limit to the employment of capital at home, our means of making capital have prodigiously augmented. The cause of competition amongst capitalists has become more powerful than ever; and this is precisely the period we have chosen for limiting the field in which competition takes place. The Corn-law, by limiting one field for the employment of capital, limits the field for the employment of labour. At the same time great improvements in medicine, more especially in curing the diseases of children, have augmented the rate of increase amongst labourers, and consequently aggravated the competition between them. Hence the very severe competition between capitalists and labourers, which ever since the war, with the exception of the last two years (and this exception confirms this position), has produced low wages, low profits, and political discontent amongst the bulk of the people. Political discontent arose from low wages and low profits. During the last two years great improvements in agriculture in Ireland, and extraordinary harvests, have produced the same effect as if the Corn-laws had been repealed. With high wages and high profits the bulk of the people have been contented and peaceable. This cannot last long. We must soon return to that state of severe competition which has existed since the war down to two years ago, and which produces political discontent. But a great moral change has taken place in the people. Education, such as it is, has made the people what they never were before, namely — politicians. The change of the constitution of Parliament has given to the bulk of the people a great increase of political power. In any period of considerable excitement, the people, including the working classes, who are unrepresented, will have great influence over the constitution and decisions of this House. Having the Reform Bill and the municipal law to work with, I am convinced that whenever the people shall feel again the pressure of the Corn-law they will sweep it away at once, and this period, I believe, cannot be far distant. But is it wise to continue this state of things till the people again feel that pressure, and be in a state of political irritation? Should we not rather legislate now, when all is quiet, than wait for the storm which must arise? Should we not rather anticipate and obviate the evil, than wait and apply the remedy? In this country of artificial relations, where there is such an immense proportion of town population, which exists almost, I may say, upon confidence and credit, political convulsions are most pernicious and destructive, and can hardly be borne. Now the progress of popular opinions, and of the power of the democracy, is certain and inevitable. In order to make that progress harmless, in order to prevent political convulsions, the people must be at ease, and contented; for this purpose wages and profits must be high, and consequently everything should be removed which tends hurtfully to limit the field of employment. I feel firmly convinced that it is only by means of a repeal of the Corn-laws, and of proper schemes of colonization, that the field for the productive employment of labour and capital can be continually enlarged so as to prevent that hurtful competition which produces low wages and low profits. By such means the population and capital of this country may go on augmenting for generations, with high wages and high profits; and the nation be happy, peaceable, and contented. The first step to this desirable result is a repeal of the Corn-law; and the repeal of this law is required as one amongst the many means which are necessary to render the inevitable progress of democracy in this country as safe and peaceable as it is in America.

Mr. *Handley* agreed in the opinion which had been expressed this evening, that the real interests of the manufacturer and the agriculturist were essentially the same; and he was willing at once to abandon the Corn-laws when it should be proved injurious to the general interests of the country, and when it should be found convenient and desirable to the State that all monopolies whatsoever should be destroyed. But it was his firm opinion that that period would not arrive for many years to come. The hon. Member for the Tower Hamlets was bound to show that some great evil had been produced by the existence of the Corn-laws, and that the interests of the manufacturing classes had suffered great detriment from the operation of the laws, before he could justly call upon the Legislature to repeal a measure which was calculated to uphold the agricultural interest of the country. As regarded the question of price, he would contend, and it was a fact which was incontrovertible, that poverty was at the highest and consumption at the lowest when corn was cheapest. The hon. Member for Southwark had said on a former night, when speaking on the subject of the Poor-laws, that if a man obtained 10*s.* a week wages, he paid six of it for bread, which, but for the existence of the Corn-laws, he could obtain for 3*s.* 6*d*: but did the hon. Member recollect that if there were no Corn-laws, wages would fall, and intead of 3*s.* 6*d.* to expend on bread, the labourer would not have above 2*s.*? It had been contended that a fixed duty would be preferable to the present sliding scale of duties; but he preferred the latter system, because he thought a sliding scale was better adapted to the interests both of the consumer and the producer at periods when those interests most required it. The hon. Member for the Tower Hamlets had argued, that if the Corn-laws were repealed, it would open new markets for British manufactures abroad; but was the hon. Member quite sure that the serfs of Prussia and of Poland would be rendered greater consumers of British manufactures if the duty on foreign corn were repealed? His belief was, that if the Corn-laws were to be repealed, it would be the capitalists alone who would benefit; and looking to the state of the country, loaded as it was with an enormous debt, and that the taxes to meet the interest on that debt must be paid, it was not under such a state of things that Parliament could wisely, and, with a due consideration of the interests of the State, safely entertain the proposition which had been submitted by his hon. Friend.

Mr. *Gilbert Heathcote* much regretted that this question had been brought forward at all particularly when the agriculturists were only just emerging from that state of distress which had so long existed; but inasmuch as it had been brought forward, and he must beg to say, that it had been brought forward in a manner that did the hon. Member for the Tower Hamlets the highest credit, he would use his humble efforts to combat the arguments of the hon. Member. At the outset he would say, the feeling of all the agriculturists was, that they wished to be let alone, from the largest to the smallest landed proprietor. The cry was, "Do not interfere—let us alone." Last year, and the year before, when the agriculturists came to Parliament stating their grievances, they were told they must relieve themselves, and they did now hope that the same language would be repeated. Now what was the real nature of the proposition? It was plainly and simply this, that it meant a low duty now, and none when the price of corn should be high. He did hope, however, that the agriculturists would never be deluded by the mistaken and treacherous advice—he used the terms in no offensive sense, which was now offered them. If there should be a fixed duty, and a famine should come, then the Corn-laws would be swept away altogether, he therefore did hope the agriculturists would be allowed to stand upon the ground which they at present occupied. Could there be any steadiness in prices if there was no permanency in law? and how could there be steadiness in prices, or fluctuation prevented, if a change of the law should take place this year, which would be certain to be followed by a further change in the next? With regard to fluctuation, he would observe that, whenever such was the case in England, the consequence was a still greater fluctuation abroad; this was particularly the case in the years 1828 and 1829. His firm belief was, that at present, England grew enough corn for her own consumption, and, if she could so furnish herself, was not that a matter well worthy of consideration, when they were called upon to adopt the present proposition? Hon. Members who had spoken in favour of the motion, had argued the question as if the agricultural body was an oligarchy, consisting of a few individuals, instead of there being a community of thousands and tens of thousands of persons. And what would be the condition of a large portion of them, those, particularly, whose properties were small, if the price of corn should be perpetually falling? He considered the interests of the landlords and tenants identified; and though his lot was cast in the former class, he would stand up for the small proprietors. He trusted the House would consider their case, and not plunge them into the workhouse, or to work on the roads in the parishes where they now resided, and where he hoped they would still continue to reside, independent, and employed in improving their little properties. He would contend that any competition between English and foreign corn would not benefit the lower classes; and all that the agriculturist desired, was a fair remunerating price in common with the manufacturer. His belief was, that a large portion of the people looked at this question rather as regarded the price of bread, than the price of corn, and he must say, that in the metropolis the price of bread was much higher than it ought to be, as compared with the price of corn. He could only attribute this to a combination amongst the bakers, which he thought was proved by a correspondence which had taken place between Mr. Chadwick and the guardians of the poor of the parish of Bermondsey. He would not trouble the House further than to call upon it to reject the motion of the hon. Member, and leave the agriculturists in the situation in which they at present stood.

Mr. *Harvey* concurred in the expression of regret, that this subject should now be under discussion, not because it ought not to be discussed, but the preface to it was a four nights' debate, which ill prepared the minds of hon. Members for the grave investigation which its vast importance demanded. There was a peculiarity in all debates upon the Corn-laws, to which he could not refrain from adverting. It was the peculiar and original doctrines propounded by Gentlemen calling themselves the landed interest, and who rarely came out upon any other occasion. We had just had a specimen in the hon. Member for Lancashire. He had discovered that there was a vast and pernicious difference between the price of bread and the price of flour—which he attributed to a combination of the bakers, some of whom resided in Bermondsey. Now he was little prepared for this discovery, and still less for an illustration of it amongst any portion of his respectable constituents. Any one who walked the streets would find there was no paucity of bakers—they were far too numerous to admit of the confederacy which the suggestion implied. The hon. Member for the county of Lincoln (Mr. Handley) had alluded to what fell from him on a former debate upon the Poor-laws, in which he had said that every man was entitled to an adequate remuneration for his labour, and if he were willing to work, but could not find it, the local authorities were bound either to find him work, and wages for it, or wholesome and sufficient food without it. He said so still. He had that day heard from the mouth of an assistant Poor-law Commissioner, who was receiving a salary of 700*l.* a year, and a guinea a day for eating and drinking, that an able bodied labourer without wife or family could live well for 6*s.* a week. He owned himself astonished at such a declaration coming from one so munificently paid—it was an inhuman edict, at which he recoiled. He felt this statement was unpalatable to those he was addressing—yet the truth must be told, and no one ought to be ashamed of it who was not shamed by it. The Gentleman to whom he was alluding, had given evidence of the utmost importance, and bearing directly upon the subject in hand. And let it be borne in mind, that he was speaking on behalf of a large class who had no direct representatives, and little sympathy within those walls, while, on the other hand, the benches were crowded by Gentlemen competent and eager to protect themselves. The evidence he was referring to—[Order, order.]

The *Chancellor of the Exchequer* rose to order. No rule had been more absolutely laid down with regard to discussion in Parliamentary debates, and nothing could be more supported by good sense and principle, than that until a Report was laid upon the table of this House, it was not competent for any hon. Member to make use of any knowledge he had acquired on any Committee of that House, until the other Members had been equally informed upon the matter. He thought the hon. Gentleman himself would, upon reflection, see the propriety and justice of such an arrangement.

Mr. *Harvey* was the more ready to adopt the suggestion of the Chancellor of the Exchequer than his reasons for it. He would save the right hon. Gentleman from any collision with the Speaker, and would proceed to notice not what had passed in a Committee, but what he had heard elsewhere; and thus adopting the farce often observed when speaking of what had passed in another place. He saw no reason for assigning to an assistant Poor-law Commissioner a higher protection, or more courtesy, than was shewn to a Peer of the realm. He had heard it stated that 10*s.* per week was the average wages given to a hard-working agricultural labourer, having a wife and a large family of young children.

Mr. *Miles*, as a Member of the Committee to which the hon. Member alluded, must say, that it was very unfit to make any reference to the evidence before that Committee.

Mr. *Harvey*: Though not surprised at, would respect the sensitiveness of hon. Gentlemen, and passing by the Poor-law Committee and the Commissioners, would revert to facts within his knowledge. In the county of Essex the average wages of a labouring man, with a family of five or six children, was ten shillings a week, nine shillings of which was expended in the indispensable article of bread or flour; thus leaving the miserable surplus of one shilling, wherewith to pay for rent, clothes, beer, tea, sugar, soap, fuel, and the other indispensable necessaries of life. This being so, he would boldly ask, whether it was not of the first importance to the husbandman to obtain the greatest quantity of bread for the smallest amount of his earnings. But it had been urged, that if the price of bread was low, wages would be low. He would take leave to deny that proposition, for the rate of wages was not necessarily regulated by the price of corn, and in many parts of the world they had cheap bread and high wages. Would it be asserted, that the Corn-laws were good in themselves, or only to be supported from the peculiar circumstances in which that country was placed? If the latter, he could understand why they were advocated, but if the former was maintained, were they not every day giving practical illustrations of the fallacy of such a system? Did not hon. Members show that fallacy in their female arrangements? Were not their wives to be seen proceeding in their carriages from street to street, and from shop to shop, purchasing commodities at the lowest price; and were not articles looked at, turned over, and thrown aside, because they could be had cheaper elsewhere? Were not French gloves and French silks purchased in preference to English manufacture, because they could be obtained cheaper? And he should be glad to ask his late Colleague, the Member for Colchester, when a cargo of Flanders horses was brought up the river and exposed for sale in Colchester market, did not the farmers in that part of the country prefer them to Essex or Suffolk horses, because they were strong and cheap? Every man was endeavouring to purchase the commodity he required at the lowest possible rate, and should not the labouring man be placed in the same position? Gloss and disguise it as they might, the question was obvious, and the solution easy. It is, whether the landlords are to be enabled to mortgage their estates, pay the interest, get into and get out of debt, demand and exact high rents, and all this at the expense and out of the muscle and marrow of the labouring community. The hon. Member, whose remarks he was noticing, asserted, that without fluctuating duties, there could be no free trade. The reverse appeared to him the truth; that duties of all kinds acted as clogs to trade. After all, it was admitted that the Corn-laws were a protection to the landlords, rendered necessary by the severity of taxation. So far, however, from the landlord being injured by the taxes, he was a positive gainer. Let a balance be struck between the taxes he actually paid, and the profit which the Corn-laws secured to him; to say nothing of the thousand channels through which the aristocracy profited by the present extravagant system. The fact was, the industry of the country was borne down by the effects of partial taxation. He would instance the article of tea. There was not an old woman who paid fourpence for an ounce of tea, who did not, at the same time, pay twopence for the tax upon it; and, what was worse, the duty had been advanced seventy per cent upon the inferior teas, being those consumed by the poor. It was by details of this kind that the injustice of the present system could be best illustrated, though he was well aware how unseemly they were in the eyes of a disdainful and titled aristocracy. Of one thing the landed gentry might be assured, that the Corn-laws were destined to be abolished by their own contrivance, for it was utterly impossible to retain them and the Poor-law too. Human endurance could not thus be long taxed by a cruel combination of heartless legislation. By one law you made a man buy his bread dear, and by another you deprived him of the means of purchase. He would ask, could there be a greater refinement upon cruelty? He had been unexpectedly called upon to address the House by the allusions which had been personally made to him, and was not prepared, in the present state of the House, to prosecute his remarks further than to say, that the time was at hand when it would appear that great and crying cruelty had been practised upon the helpless, but industrious community.

Mr. *Shaw Lefevre* wished it were possible to come to a satisfactory compromise upon a question, which, as long as it remained unsettled, would prove a source of perpetual discord between the two great interests in the state. But so much prejudice and mis-apprehension prevailed on both sides, that no alteration in the corn laws would take place, except at some alarming crisis, when it would be impossible to legislate temperately or wisely on the question, though it was of vital importance to the public interests. On the one hand, the farmers were taught to contrast the prices of corn in England with those of the continental ports, by way of convincing them that it was impossible to fix any duty which would give them an adequate protection; whilst the effect produced on the continental prices, by the corn laws, was studiously kept out of view. On the other hand, the labouring classes were taught, by such exaggerated statements as had been made by the hon. Member who had just sat down, to believe that the corn laws were framed solely for the benefit of the landed aristocracy and their tenantry; and it was entirely concealed from them that, if the corn laws were repealed to-morrow, and any great portion of land were thrown out of cultivation in consequence, not only would a great number of labourers be deprived of employment, but it would be impossible to obtain a sufficient supply from abroad, except at prices much higher than those which prevail in this country at the present moment. With the permission of the House he would read an extract from the report of Mr. Jacob on this point; and he need hardly add, that, as that gentleman was appointed by the English Government to make the most particular inquiries into the state of agriculture in every part of Europe, and had every opportunity afforded him of obtaining the most correct information, his opinion was entitled to the greatest respect. Mr. Jacob said,

> "In the progress of society, interests have grown up, under the sanction of the laws, which might be injured by extraneous interference, and the injury to them might materially affect the general benefit. The preference to articles of the first necessity of domestic growth is natural, and almost universal. The chief articles of subsistence in each country are almost wholly of home produce; and, in a country with a great density of population, may be only procured in sufficient quantity to supply the demand of the inhabitants at a considerable cost. In such a case, a foreign interference, which would lower the home price so as to check interior production, might, in a few years, cause that domestic industry and application of capital, which are the chief sources of supply, so far to decline as to afford a less quantity, and thus elevate the price to the consumer higher than it would be raised by trusting to, and by duly fostering and protecting home growth. It is on this ground, and this alone, that the protection, as it is called, to agriculture will admit of defence. It is to protect the consumer against a price too high, which would take place if a portion—by no means a large portion — of our supply depended on foreign growers of wheat, that any restriction on the trade in grain, can be justified."

And again,

> "Estimates have been presented to the

public, founded on the supposition that 20,000,000*l.* might be saved to the public annually by the importation of 10,000,000 quarters of corn, at 40*s.* a quarter less than our English price; which sum has been represented to be extorted from the pockets of the community to gratify the luxury of the landed proprietors, and the greedy selfishness of the farmers. Though the authors of such estimates must have known, or must have been woefully ignorant if they did not know, that the demand of one-twentieth part of what they reckon upon could not be extracted from the whole continent, without raising the price there as high, or even higher, than the average price in England."

After this statement, made by one who was in no wise hostile to the principles of free trade, he hoped they should hear no more idle declamations, either in or out of the House, about "the odious and oppressive bread-tax;" and that the hon. Member himself would admit that the existing protecting duty on foreign corn was to be justified on other grounds than the exclusive interests of the landed aristocracy. For his own part, he would not advocate this protection for a single instant, were he not convinced that its maintenance was most important to the interests of the public at large, as well as to the agriculturist; and that, were all protection removed, it would be most fatal to the labouring classes of this country, whether employed in agriculture or manufactures. He must, however, differ from the noble Lord, the Member for Buckinghamshire, and from many other hon. Members, as to the amount of protection required; and as to the best mode in which it could be afforded. He did not consider the existing Corn-laws to have answered the purpose for which they were intended, or to be advantageous to the farmer. His noble Friend had deprecated the agitation of this question at the present moment, because the agriculturist was only just recovering from that distress under which they had been suffering for the last few years. But he would ask his noble Friend whether, during the whole of that period, they had not enjoyed the greatest amount of protection which the present Corn-laws could afford. It was well known, from the evidence of the great majority of witnesses who were examined before the Agricultural Committee of last Session, that the principal cause of that distress was the exceedingly low price of wheat. But the testimony of more than one witness showed that excessive importation in previous years was in some measure the cause of those low prices; and it was an undoubted fact, that with the sliding scale of duties, a corn merchant would never import corn to any great extent, except when prices were so high that the duty became merely nominal; and the country was thus exposed to an influx of foreign corn far beyond the immediate wants of the community, which in the event of a succession of abundant harvests, hung upon the market, and depressed the price much below the natural level. In short the present laws were equally detrimental to the farmer, the merchant, and the manufacturer; and even the foreign grower was injured by them in no slight degree; for when the ports were virtually closed by the higher rates of duty, that corn which he had grown to supply our wants in less productive years, was penned back, as it were, in the foreign market, and he suffered equally with ourselves from ruinously low prices. He was, therefore, clearly of opinion, that an alteration was necessary to secure steady prices. And he was, by no means, anxious for immoderate protection, or for high prices; but he could not concur in the views of his hon. Friend, the Member for the Tower Hamlets. The duty which he proposed was, in the first place, too low; and the transition from our present artificial state, to a more sound state, much too rapid. He must not forget that, owing to the expectations which had been held out by the present Corn-laws, a considerable extent of land was now in wheat cultivation, which would be better employed in the growth of barley; and it was most satisfactorily established, before the Agricultural Committee, that barley could be grown on clay land if it were first drained and kept in a proper state of cultivation. It was on this account that he proposed, in the report which he drew up for the consideration of that Committee, that the malt tax should be reduced one-half. This tax directly interfered with the proper cultivation of our land by lessening the demand for barley. He believed that, if the effect of an alteration in the Corn-laws were to reduce the price of wheat to a limited extent, much of that land on which the farmer was now obliged to grow wheat, would not be affected by it if he were enabled to grow barley instead; and, so long as it remained in cultivation, neither the labourer, the farmer, nor the landlord would suffer from the change. On these grounds he considered it to be essential to the interests of all parties that no alteration in the Corn-laws should be attempted without a considerable reduction in the duty on malt or the entire repeal of that tax: and he felt that, were he to consent to the present motion without this safeguard, he should place the agricultural interest in considerable jeopardy. But even without these considerations, and looking only to the expediency of commuting the graduated scale of duties for a fixed duty, and taking the motion of his hon. Friend in connexion with his speech, and with the speeches of those hon. Members who had supported him, it appeared to him to be calculated to excite alarm and distrust amongst the agricultural classes, and to be likely to lead to no practical or useful result; and on that account he should oppose it.

Sir *John Tyrell* thought the topic of the Poor-laws had been very unnecessarily introduced by the hon. Member for Southwark; but as it had been alluded to, he could say, that the opinion of the county of Essex on that subject was to give the new system a fair trial. The landed interest had been described by some hon. Members as an overgrown and overbearing interest, and its right to protection had been denied. Now he would take the liberty of asking the Representatives of the manufacturing and mercantile interest, whether they would wish to have disclosed to the eyes of the public at large the extent of the protection they received? He held in his hand a list of seventy or ninety articles of manufacture, on which an import duty varying from twenty-five to fifty per cent. was imposed, while the amount of the protecting duty in favour of the landed interest under the present Corn-law, did not exceed ten per cent.

Mr. *Guest* said, that the hon. Member for Essex having asked the manufacturer to state why the growers of corn should now have a protection when they were protected to the extent of twenty-five and fifty per cent. or more, he (Mr. Guest) being concerned in the manufacture of iron, begged to inform him and the House what was the state of the case in the iron trade. The price of iron was at this time about 9*l*. per ton, and as the duty on importation was 1*l*. 10*s*., the protection was about fifteen per cent., with which he begged to contrast the duty upon a few articles of agricultural produce. The duty on hops imported was 8*l*. 11*s*. per cwt. equal to 200 per cent. at least; on the importation of potatoes (one of the great necessaries of life,) 2*s*. per cwt. or about 100 per cent.; on the article of bacon 28*s*. per cwt., or about sixty per cent; and, in addition, the important articles of beef, mutton, and pork, were entirely prohibited. He further begged to assure the hon. Member, that if he would consent to fix a fair and equitable duty on the importation of corn, for himself he would say, and he thought that he spoke the sentiments of a large portion of the iron-trade, that they wanted only free trade without any protecting duty whatever on the importation of iron.

Mr. *Gally Knight* would not occupy the House one moment. He had heard the observations of the hon. Member for Southwark, with great regret, for he thought them calculated to sow dissension among the different classes of the community. He did not think the present moment the best suited for its consideration; and he was also of opinion that the landed interest of the country was burthened with so much taxation that it ought to have some protection. He did not mean to favour any one class at the expense of another; and if there was distress in the manufacturing districts, he would not allow the Corn-laws to stand in the way of their relief. But the contrary was the fact: the manufacturers were prosperous, and the agriculturists were in distress. He must, therefore, oppose the motion.

Mr. *Hume* said, that the hon. Member told the House that he would not protect one class at the expense of another, but yet the hon. Member told them that he would vote for the continuance of a tax that served one class at the expense of all others. It was the landed proprietor who was interested in this tax, and not the farmer. The landed proprietor paid no tax in this country. Every tax that bore upon the landlord had been taken off, whilst the taxes on the rest of the community remained. The Corn-laws ground the people down to misery. How was it possible that with such prices the manufacturers of this country could compete with the foreign manufacturer. The hon. Member who spoke last had expressed his regret that the hon. Member for Southwark should have alluded to the subject of the Poor-laws on the present occasion. [Mr. *G. Knight:* I said about the Poor-laws.] He thought the subject of the Poor-laws was connected with the present question, and the hon. Member for Southwark had spoken the truth with regard to it. It might be unpleasant to speak the truth in that House, but truth it was, that Parliament maintained a cruel, a grinding—he would say a famishing, Corn-law. The Poor-laws were grinding down able-bodied men with large families; while the Corn-laws were keeping up the price of their food. The labouring man was crushed and borne down, and all this was done for the benefit of the landed interest. Let the House regard the difference between the prices of wheat in Paris and in London: in the former city the loaf weighing four pounds cost 5½*d.*, and in the latter 9*d.* Was that nothing? If he went to Holland [A laugh] he dared say many hon. Gentlemen wished him in Holland,—if he compared the prices of corn in that country, in Prussia, and in Germany, with the prices of the same article of food in England, he found a difference of from eighty to ninety per cent. And the effect of this difference was this, that the labourer in Sheffield and Nottingham was eating his food at double the expense a manufacturer in other countries was eating his. It might be unpleasant to state to hon. Gentlemen opposite the effects of the Poor-law—Corn-laws; [*a laugh*] it was very natural for him to confound the two, for he had been lately hearing evidence which showed that the Poor-laws were intimately connected with the Corn-laws. When he saw the man who had 16*s.* wages at a time when corn was cheap, now that corn was dear obtaining only 13*s.*, he could understand how the Corn-laws operated on the Poor-laws, and he could sympathise with the poor. But the Corn-laws made the hearts of men who profited by them regardless of others. The general effect of them was to raise prices from sixty to one hundred per cent. But it was not the duty on corn alone—no; there were duties amounting to prevention on every article in the list which he held in his hand; [the hon. Member here enumerated certain articles of provision which were taxed for the benefit of the landowner], and the aim of those duties was, to fill the pockets of the rich, and keep the bellies of the poor empty. The great effect of the Corn-laws was to produce suffering and misery; and when he regarded the threatening state of the manufacturing districts, threatening from their poverty, he did wish for change. The House would not consult the interests of the country, unless it removed the existing pressure from the working classes; and he would urge the House to consider, whether it would not be better to make the proper change in time, instead of being compelled to make it suddenly, which could not be without its bad effects on the farmer.

Mr. *Richards* remarked, that a fixed duty could not be maintained at high prices of corn in three successive bad seasons; and that we had at present the effect of a fixed duty and low prices (so we understood). The hon. Members for Middlesex and Southwark seemed to forget, in their schemes of benevolence, that if the competition of foreign land were permitted, the labourers from the country would be driven into the towns, where the wages would necessarily and instantly fall. They should look at what regulated the price of corn, as well as the price of wages; they should look to the circumstances of the country. The costs of production in it were greater than elsewhere, on account of the debt; and if the interest of that debt was to be paid, taxation must continue and prices remain. The hon. Member for Middlesex had a belief that farmers were not taxed, but, independently of their heavy local burthens, leather, iron, and various articles necessary in agriculture, were taxed. If it could be shown, however, that the safety and happiness of the people depended on the Corn-laws being repealed, he would vote that they be so. When the hon. Mover proposed any duty at all, he conceded the whole point. The farmer must be protected from foreign competition, or the foreigner's corn would displace his, and deprive him of remuneration. The hon. Member for Cornwall had laid down principles very correctly, but did not understand the application of them. He would thus illustrate the case:—Suppose a hatter not to be able to produce a hat for less than 24*s.*, and the foreign hatter to be able to produce it at 15*s.*; let the duty be 5*s.*, and the manufacturer has, with the costs of transport, a protection to the amount of 20*s.* and a little more. Repeal the duty, however, and the foreign hatter will drive the English one out of the market. The English one will then cease to consume so many British goods as before, and you raise up the foreign hatter.

Mr. *Clay* briefly replied, and the House divided:—Ayes 89; Noes 223: Majority 134.

List of the AYES.

Aglionby, H. A.
Attwood, T.
Baines, E.
Bewes, T.
Biddulph, Robert
Bish, T.
Blake, Martin Jos.
Blunt, Sir C.
Bowes, John
Bridgman, Hewitt
Brocklehurst, J.
Brotherton, J.
Chalmers, P.
Collier, John
Cowper, Hon. W. F.
Crawford, W. S.
Dalmeny, Lord
D'Eyncourt, C. T.
Divett, E.
Dundas, hon. T.
Dunlop, J.
Ellice, E.
Elphinstone, H.
Etwall, R.
Ewart, W.
Ferguson, sir R.
Ferguson, Robert
Fielden, J.
Fleetwood, Peter H.
Gaskell, Daniel
Grey, Sir G.
Guest, J. J.
Gully, J.
Hall, B.
Harvey, D. W.
Hastie, Archibald
Hawes, B.
Hawkins, J. H.
Hinde, J. H.
Hindley, C.
Howick, Viscount
Hughes, Hughes
Hume, J.
Humphery, J.
Hutt, W.
James, William
Labouchere, H.
Leader, J. T.
Morpeth, Viscount
Mullins, hon. F. W.
Murray, J. A.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, Morgan
Ord, W. H.
Oswald, James
Palmer, Gen.
Parker, John
Parnell, Sir H.
Parrott, Jasper
Pattison, James
Philips, M.
Philips, G. R.
Ponsonby, J.
Potter, J.
Rippon, Cuthbert
Rolfe, Sir R. M.
Rundle, J.
Ruthven, E.
Scholefield, Joshua
Seymour, Lord
Steuart, R.
Strickland, Sir G.
Strutt, E.
Stuart, Lord J.
Thomson, C. P.
Thompson, Ald.
Thompson, Colonel
Thornley, T.
Tulk, C. A.
Turner, W.
Vigors, N. A.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Williams, W.
Wood, Alderman

TELLERS.

Clay, William
Villiers, C. P.

List of the NOES.

Alford, Viscount
Alsager, Capt.
Angerstein, John
Arbuthnot, hon. H.
Astley, Sir Jacob, Bt.
Bagot, hon. W.
Bailey, J.
Baring, H. Bingham
Baring, W. B.
Baring, T.
Barron, Henry W.
Barry, G. S.
Bateson, Sir R.
Bell, M.
Bellew, Richard M.
Benett, J.
Bentinck, Lord G.
Beresford, Sir J. P.
Berkeley, hon. C. C.
Bethell, Richard
Blackstone, W. S.
Bonham, R. Francis
Borthwick, Peter
Bowles, G. R.
Bradshaw, James
Bramston, T. W.
Brodie, W. B.
Brownrigg, S.
Bruce, C. L. C.
Bruen, Col.
Buller, Sir J. B. Yarde
Bulwer, Edw. L.
Burrell, Sir C. M.
Burton, Henry
Castlereagh, Visc.
Cavendish, hon. C.
Cavendish, hon. G. H.
Cayley, Edward S.
Chaplin, Col.
Chetwynd, Capt.
Chisholm, A. W.
Clayton, Sir W.
Clerk, Sir G.
Clive, Visc.
Clive, hon. R. H.
Codrington, C. W.
Cole, A. H.
Cole, Visc.
Compton, H. C.
Corbett, T.
Corry, H.
Cripps, J.
Curteis, H. B.
Dalbiac, Sir C.
Denison, John E.
Dick, Q.
Dillwynn, L. W.
Duffield, T.
Duncombe, W.
Duncombe, hon. A.
Dundas, J. D.
Eastnor, Visc.
Eaton, R. J.
Elley, Sir J.
Elwes, J.
Estcourt, Thos. G. B.
Estcourt, Thos.
Fector, John Minet
Ferguson, G.
Fergusson, R. C.
Finch, George
Fleming, John
Foley, Edward Thos.
Folkes, Sir W.
Forester, hon. G.
Forster, Charles S.
Fremantle, Sir T. W.
Gaskell, J. Milnes
Geary, Sir W. R. P.
Gladstone, T.
Gladstone, Wm. E.
Gordon, hon. W.
Goring, Harry Dent
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grimston, hon. E. H.
Hale, R. B.
Halford, H.
Hamilton, Geo. Alex.
Hamilton, Lord
Handley, H.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, Sir H.
Harland, Wm. Chas.
Hawkes, T.
Heathcote, G. J.
Hector, C. J.
Henniker, Lord
Herries, rt. hon. J. C.
Hillsborough, Earl of
Hodges, T. L.
Hogg, J. W.
Hotham, Lord
Houstoun, G.
Howard, R.
Howard, P. H.
Hurst, R. H.
Inglis, Sir R. H., Bt.
Jermyn, Earl
Jones, Theobald
Kerrison, Sir Edw.
King, Edward B.
Kirk, P.
Knatchbull, Sir E.
Knight, H. G.
Knightley, Sir C.
Law, hon. Charles E.
Lawson, Andrew
Lefevre, Charles S.
Lefroy, A.
Lefroy, Thomas
Lemon, Sir C.
Lennard, Thomas B.
Lennox, Lord George
Lennox Lord A.
Lewis, David
Lincoln, Earl of
Lowther, Col. H. C.
Lowther, J. H.
Lygon, hon. Gen.
Mactaggart, J.
Mahon, Viscount
Manners, Lord C.
Maunsell, T. P.
Miles, William
Mordaunt, Sir J., Bt.
Mostyn, hon. E. L.
Neeld, J.
Neeld, John
Nicholl, Dr.
Norreys, Lord
North, F.
Ossulston, Lord
Packe, C. W.
Paget, Frederick
Palmer, Robert
Palmer, George
Parker, M.
Peel, rt. hon. Sir R.
Peel, Colonel J.
Pemberton, Thomas
Pendarves, E. W.
Phillips, Charles M.
Pigot, Robert
Plumptre, J. P.
Polhill, Frederick
Poulter, J. S.

Powell, Colonel
Power, J.
Price, S. G.
Price, Sir Robert
Pryme, George
Pryse, Pryse
Pusey, P.
Rae, Sir Wm., Bt.
Reid, Sir J. R.
Rice, rt. hon. T. S.
Richards, J.
Richards, R.
Rickford, W.
Ross, Charles
Rushbrook, Col.
Sanderson, R.
Sanford, E. A.
Scott, Sir E. D.
Scott, James W.
Scott, Lord J.
Shaw, F.
Shirley, E. J.
Sibthorp, Col.
Smith, A.
Smith, hon. R.
Smyth, Sir H., Bt.
Somerset, Lord G.
Spry, Sir S.
Stanley, Edward
Stewart, John
Sturt, Henry Charles
Surrey, Earl of
Talbot, C. R. M.
Tennent, J. E.
Thomas, Colonel
Townley, R. G.
Trelawney, Sir W. L.
Trevor, hon. A.
Trevor, hon. G.
Tynte, C. J. K.
Tyrrell, Sir J.
Vere, Sir C. B.
Verney, Sir H., Bt.
Vernon, Granville H.
Vesey, hon. T.
Vivian, J. E.
Vyvyan, Sir R.
Wall, C. B.
Walpole, Lord
Welby, G. E.
Weyland, Major
Whitmore, Thomas C.
Wilks, John
Williams, Robert
Williams, W. A.
Williams, Sir J.
Williamson, Sir H.
Wilson, Henry
Wodehouse, E.
Worsley, Lord
Wyndham, Wadham
Yorke, E. T.
Young, J.
Young, Sir W.

TELLERS.

Chandos, Marq. of
Darlington, Earl of

HOUSE OF LORDS,

Friday, March 17, 1837.

MINUTES.] Petitions presented. By Lords KENYON, REDESDALE, the Earls of BANDON, SHAFTESBURY, WITTON, the Archbishop of CANTERBURY, the Bishop of EXETER, and Viscount STRANGFORD, from various places, against the Abolition of Church-rates.—By the Duke of RUTLAND, from places in Leicestershire, praying their Lordships' to agree to no Proposition or Enactment, that may in any way impair the efficiency of the present Church Establishment, as connected with the Collection of the Church-rates.—By the Earl of RADNOR, Lords BROUGHAM and HATHERTON, from Dissenting Congregations, Tenterden, Chichester, and various other places, for the Abolition of Church-rates.—By Lord WHARNCLIFFE, from Newcastle, complaining that certain Hospitals in that Town, for the Benefit of Widows and Infirm Females, are to be abolished by the present Corporation; and praying your Lordships' to preserve these Hospitals, whether endowed or not.—By Viscount STRANGFORD, from the Guild of Merchants, in Dublin, praying that in any Act introduced for the Reform of Municipal Corporations (Ireland), their private property may be respected.

STATUTE LABOUR.] Lord *Wharncliffe* wished to take that opportunity to put a question to the noble Duke on the cross-bench, relative to a point connected with the Highway Bill. Previous to the new statute, every parish had been obliged to supply a certain portion of statute labour; but, by the new law, statute-labour had been done away with, and the consequence was, that much evil had resulted to the turnpike-roads, as the provision extended to them. In many parts of the country, the tolls being insufficient for the maintenance of the roads, the only resource the trustees had was to apply to the common law, and to indict the parishes. He wished to know whether any step would be taken to remedy the evil?

The Duke of *Richmond* said, that when the Highway Bill came up from the Commons, it was referred to a Committee of their Lordships' House. That Committee discovered, what had been overlooked in the other House—namely, that by destroying statute-labour entirely, that provision would be extended to turnpike-roads; and the chairman of the Committee was directed to state the existence of that clause. In order to avoid the difficulty, he proposed, as they never in that House altered a money clause, that the Bill should not come into operation until March, 1836, and the statute labour could have been collected before that time. Last Session he had stated the same thing to the first Commissioner of Woods and Forests, as he stated now—namely, that if the Government of the country did not interfere on the subject, many turnpike trusts would be plunged in the greatest distress, and those who had lent their money on such security would be defrauded of it. Statute labour appeared to him to be, of all inventions, the very worst for repairing the roads. In his opinion, there was a great deal more mischief than good done to the roads by that species of labour. He was perfectly aware of the abuse that existed in the management of the turnpike roads. He had repeatedly directed the attention of their Lordships to that subject. He knew, that in many instances the trustees were expending more money than they received, that in some cases they were actually borrowing money to pay the interest—and that they were, in fact, nearly in a state of bankruptcy. His recommendation always had been, that a Bill should be brought in to amend the turnpike laws, and he believed if the measure which had been proposed last Session, which had received a first, if not a second reading, had been carried, the trustees of the roads would not have required any additional tax. That Bill had received considerable opposition in the other House of Parliament. The clerks of the trustees of the roads came up to London, and abused every person who was supposed to be favourable to the measure. The reason of that was, because the operation of the Bill would have reduced the number of clerks from 1,000 to 500. In answer to the question of the noble Lord, he would only say that he did not feel himself in a condition to propose to the House any measure on the subject.

The Marquess of *Salisbury* thought it would be a little too hard to inflict on the parishes an expense merely for the purpose of encouraging a system of profligate expenditure. He trusted the Government would take the matter into their early consideration.

The conversation terminated.

HOUSE OF COMMONS,

Friday, March 17, 1837.

MINUTES.] Bills. Read a second time:—Court of Exchequer (Scotland).—Read a first time:—Dublin Police.

STORES SUPPLIED TO SPAIN.] Mr. *Maclean* begged leave to put a question or two to the noble Lord (Palmerston) relative to Spain. A ship, he understood, had been lately sent out with fresh stores and ammunition for the Queen's troops, and he wished to know whether it had been sent out by his Majesty's Government? Whether, also, there had been any payment made by the Spanish Government for the stores and ammunition already supplied? Whether it was the intention of his Majesty's Government still to continue furnishing supplies of that nature, and if so, whether they would do so without obtaining payment or a guarantee of payment, for those already furnished?

Viscount *Palmerston* was not able to answer the hon. Gentleman's first question, for he was not aware that any such ship had lately been sent out to Spain; but with regard to the other questions, he was quite prepared to say, that his Majesty's Government did intend furnishing stores and ammunition in accordance with the terms of the treaty by which they were bound.

Mr. *Maclean* wished to know if they would do so without requiring any guarantee for those already furnished?

Viscount *Palmerston* said, they were satisfied with the guarantee that had been obtained by the right hon. Baronet, the Member for Tamworth, when he furnished stores and ammunition to Spain.

Mr. *Maclean* observed, that there was no guarantee on that occasion, that there was nothing but an exchange of notes.

Lord *Mahon* said, it might perhaps be in the recollection of the noble Lord that he had a few nights ago expressed his apprehension that the return of 540,000*l.*, large a sum as it was, did not comprise the whole amount of the expenses that had been incurred by his Majesty's Government on behalf of Spain. He had also stated, that he did not impute the slightest intentional error in the framing of that return, but that he had had no opportunity of ascertaining the exact amount. Now, he had been informed, that besides those mentioned in the return, provisions and other articles had been supplied from two ships to the troops in the service of her majesty the Queen of Spain. He had stated that the other evening, without having elicited from the noble Lord any answer or explanation on the subject, and he should now feel obliged if the noble Lord would say whether such supplies had been furnished in addition to those mentioned in the returns, and whether the noble Lord could give him any idea of the expense of sending out such supplies.

Mr. *C. Wood* believed, he could give the noble Lord precise information on the subject. One account had been made up to the 15th of February, and another (since the noble Lord's motion) up to the 24th of the same month. Now, he (Mr. Wood) was not aware that there had been any supplies furnished for the use of the Queen of Spain, save those included in these returns. He was further enabled to tell his noble Friend, that he did not think it possible that such could be the case, because, in point of fact, no supplies of any sort had been furnished for more than one year. The whole of the naval stores had been furnished two years ago, and were included in the returns which had been laid before the House last Session. The greater part of these had been furnished during the time of Sir R. Peel's Government, when his noble Friend was Under Secretary of State for Foreign Affairs. He had further to say, that all the supplies that had been furnished during the last year, would be covered by an expense of 60*l.*

The Vixen.—Treaty of Adrianople.] On the Order of the Day being read for the House resolving itself into a Committee of Supply,

Mr. *Roebuck* rose and spoke to the following effect: I hope for the indulgence of the House on account of the hoarseness under which I labour, and, on that account, I shall make a very short speech. I wish to call the attention of the House and the Government to a subject of no ordinary importance, a subject interesting, not because it refers to individuals who have lost their produce and merchandise, but because it involves a question on the principles of international law, and also a question of peace or war. Some time ago, a vessel was fitted out, and before she proceeded to her destination, application was made in the regular quarter—to the Secretary of State for Foreign Affairs—to ascertain whether there was any impropriety or danger to be apprehended if a vessel landed goods in any ports on the Circassian coast. The application was made because fears of danger were entertained from the interference of Russia. The answer returned by the Government, through the noble Lord, to the merchants who applied was, to look to *The Gazette ;* and finding no indications whatever in *The Gazette* of any acknowledgment of blockade, and thereby concluding that the blockade was not recognised by the British Government, and that they were not precluded by authority from landing goods and merchandise in a Circassian port belonging to an independent nation, they dispatched a vessel; and when at the port it was seized by a Russian ship-of-war, and the master and crew were imprisoned. Here, then, is this extraordinary circumstance. In the first place, an English merchant-vessel is prevented from entering the port of a country with which England is on terms of amity by an armed force—a Russian man-of-war. In the next place, English subjects, carrying on a legal trade, a trade of which they had obtained no information from their own Government calculated to discourage them, are coerced by Russia, captured, and thrown into prison. Sir, I have entered in the order-book a notice that I would move for certain papers elucidatory of this singular transaction. The reason why I ask for these papers is, that I understand the defence by Russia of this aggression is twofold. The first, that she had placed the coast of Circassia in a state of blockade; the second, that she had framed certain custom-house regulations, to which it was necessary that the ships of all nations should conform. I want the papers for which I am about to move, for three reasons. First to ascertain if this country has ever acknowledged the right of Russia to blockade the coast in question; secondly, to ascertain if Russia actually possesses the right of blockade; thirdly, to ascertain if Russia has the right to make the custom-house regulations to which I have adverted. On all those points the papers for which I am about to move, if they be produced, will probably afford us satisfactory information. The defence of Russia is, that, by the treaty of Adrianople, Circassia was ceded to Russia by Turkey; and, consequently, that Russia had a right to establish a blockade of the coast of Circassia, and to establish whatever custom-house regulations she might think proper in relation to her ports. Now, in the first place, I deny that the territory of Circassia is in the possession of Russia; secondly, I assert that, not being in the possession of Russia, Russia has no right, according to the law of nations, to make any custom-house regulations in relation to the ports of Circassia; and, thirdly, I maintain that Russia has no right to blockade the coast of the territory of a free people against the entrance into its ports of an English vessel with English goods. I know, Sir, that I shall be met by a reference to the conduct of the British nation itself on former occasions. I shall be told, that we then claimed the right to lay an embargo on the ports of a nation with which we were at war, against the whole world. I acknowledge that this was formerly the rule laid down by the British people. But I ask, whether at this time of day we are disposed to place any part of the system of international law on a footing so flagrantly unjust? It is my earnest desire to maintain the peace of the world. But, Sir, the peace of the world is not to be maintained by any shuffling, unjust, or timid course; it can be maintained, only, by a straightforward, bold, open, and manly line of conduct. The rule must be the rule of right the rule which alone is sanctioned by the principles of international law—the rule which must be observed and upheld under all circumstances of difficulty and danger. I care not what conduct the English Government may have pursued in former times. If unjust, it deserved to be stigmatised, as it was stigmatised, by the whole world. But there is a power rising up which will put an end to all such oppressive and iniquitous proceedings. The United States of America will presently lay down the just law of nations with reference to the commerce of neutral nations, and that law her naval power will enable her to support. I come now, Sir, to inquire in what way the commerce of this country has been attacked by Russia in the case in question. The Circassians are in possession of almost the whole of their coast, Russia possessing only three points—mere forts. On a coast extending many hundreds of miles, Russia possesses only these three isolated forts. All the rest of Circassia is in the hands of the Circassians themselves. They cultivate the soil—they reap the harvest; and on their coast our merchants have a right to stop, and to negociate their trade, independent of, and unobstructed by, the interference of Russia. I may be told by some persons that Russia is a great power, and that we ought to be careful how we offend her. Sir, that is not my policy. If Russia were the most insignificant power on the face of the earth, we ought to yield to her claim, if it be one of justice; if Russia were the greatest power on the face of the earth, we ought to resist her claim, if it be one of injustice. But I maintain that the claim of Russia is unjust, and that the power of Russia is contemptible. If Russia were to go to war with England to-morrow, in six months there would not be a Russian flag flying on the high seas, or on the Black Sea. And further, I maintain that a war with England would soon make the Emperor of all the Russias tremble on his throne; for there would then be no British merchants to whom the Russian people might sell their goods. The time has been when Russia was subjected to the coercion of a mightier power than any which now exists in the world. When Napoleon was in the plenitude of his strength, with Austria as his ally, and almost all the rest of continental Europe at his feet, he was unable to prevail on Russia to renounce her alliance with England, because in that event the Russian nobles would have been deprived of the outlet which we afforded them for the sale of their goods. If that was the case when all the power and influence of Napoleon was exerted to produce an opposite result, is it not more likely that such would be the case in the present condition of the world? Depend upon it that whatever may be the weakness, whatever may be the madness of the emperor of Russia, he would at once yield to the representations of the English Government, and would not dare to brave the resentment of a power which could crush him in a month. Sir, it is contended that Circassia was ceded to Russia by the treaty of Adrianople. But the Circassians are in possession of their own country. I deny that Turkey had any right to cede Circassia to Russia. But even if Turkey had a right to cede Circassia to Russia, yet, seeing that Russia is not in possession of Circassia, I maintain that Russia has no right to proclaim a blockade of the coast of Circassia. I will suppose an analogous case, Spain has not yet yielded her authority over and her right to her South American colonies. Suppose Spain were to cede the province of Mexico to the United States of America, and suppose America were to declare the port of Tampico in a state of blockade, would the right of America to do so be recognised. But the cases are strictly analogous. Turkey was not in actual possession of Circassia, nor is Spain in actual possession of Mexico. Turkey, nevertheless, cedes Circassia to Russia. But would Spain cede Mexico to America? I ask the noble Secretary of State for Foreign Affairs whether he should consider America entitled to preclude English vessels from entering the ports of Mexico because Mexico had been ceded by Spain to America? If the noble Lord would not allow this, and if the cases which I have described are perfectly similar, what ought the noble Lord to do with reference to Russia? The case of the Vixen is an individual case, it is true; but the noble Lord should at once make his stand upon it. It may be said that it is not a just case to go to war upon. I say it is a just case to go to war upon. I am always against going to war upon abstract political principles. I care nothing for what is termed the balance of power. Russia may endeavour to obtain possession of all the world, and I regard her efforts with indifference; but the moment she interferes with our commerce I call upon the Government of this country to punish the aggression. It would be a just punishment, and a punishment which, in the plenitude of our power, might be inflicted without difficulty. For my own part, I look upon Russia merely as a barbarous country; or as a country connected as slightly as may be with civilisation and its advantages. The power of Russia exists in the imagination of those who have dwelt upon it, rather than in real and substantial strength. I am prepared to declare, therefore, that if the facts of the case be such as I have described them to be, I would call Russia to a severe account for her conduct. I would do so, not because I wish for war, but, on the contrary, because I wish for peace. I would not go to war with Russia on account of any territorial aggression on her part; but I consider it the bounden duty of the English Government to protect English commerce from attack and injury. Of this I am convinced, Sir, that if we really wish and intend to maintain the peace of the world, we must not evade meeting such a case as this—we must not shrink, as the noble Lord seems to shrink, from at once declaring ourselves with respect to it. I cannot acquit the noble Lord of blame in the whole of this affair. Why were not the people who asked the noble Lord whether they might safely undertake this commercial expedition prevented by him from doing so? They had a right to make the inquiry whether the coast of Circassia was really in a state of blockade; and it was the bounden duty of the noble Lord to give them information upon the point. Sir, it is beneath the dignity of Great Britain to tamper with, or hesitate upon subjects like these. If we are a great people, let us act like a great people. The noble Lord is bound to assert the principle of the freedom of our trade, and to enforce that principle by our power. The noble Lord ought to declare that we will trade with any nation not at war with us, with whatever other nation that nation may be at war. Unless some distinct principle of that kind be asserted—unless we specify what we mean by interference or non-interference—unless we state what, as a commercial people, we are entitled to, and will defend—we may keep going on upon isolated cases, and never have any certain or established rule of action. If the noble Lord will tell us what is the principle of international law by which he has been guided on this occasion, I will endeavour to understand him. I want to know what the British Government has done to protect the British subject. I want to know if the British Government has acknowledged the treaty of Adrianople? I want to know if the British Government has acknowledged the right of Turkey to cede Circassia to Russia? I want to know if the British Government has acknowledged the right of Russia to blockade the coast of Circassia? As to treaties, Sir, all experience shows us how insignificant and unavailing are the stipulations of treaties when it ceases to be the interest of the parties to observe them. By the treaty of London it was stipulated that Russia should not, in any way whatever acquire territory from Turkey. In the treaty of Adrianople, in spite of the treaty of London, there is a distinct article stipulating that Circassia should be ceded to Russia by Turkey. Why do I say this? Not that I care whether Russia is in possession of Circassia or not; but I want to point out the utter fallacy of any treaty, the stipulations of which it ceases to be the interest of any of the parties concluding the treaty to fulfil. The principle of our policy ought to be, to trade with all nations; to enter into political treaties with none. That is the wise policy pursued by the United States of America. The first thing they do when the trade of America is attacked is to send a ship-of-war to protect it. They do not content themselves with firing off a battery of protocols. They do not talk about their rights; they enforce them. They do not meddle with other people's concerns; but they take care of their own. Now, if I travel with the noble Lord all round the world, what do I find? That the noble Lord has interfered where he should not have interfered? that he has not interfered where he should have interfered. The noble Lord "has done the things that he ought not to have done; and he has not done the things that he ought to have done." If anybody ask me why I introduce the discussion of this subject on the motion for going into the consideration of the navy estimates, I will tell him. In the Mediterranean a great portion of our naval establishment is at present stationed. Most of our men-of-war are in that sea enjoying a very agreeable pastime. The "scions of a noble stock," who are there in command, are sailing about from port to port in their armed yachts, taking their pleasure at the expense of their country. The hon. and gallant Admiral opposite seems much struck and amused with this view of the case. He is an experienced officer; but in his time the case was different. Now, what is the state of our trade in the Mediterranean? Why, that it is less secure there than in any other part of the world! In its immediate neighbourhood, in the Black Sea, an English merchant-vessel is taken, her crew are made prisoners, and her captain is barely permitted, by the supreme and super-eminent mercy of the emperor of all the Russias, to keep his head upon his shoulders. Sir, that is not treatment to which British subjects ought to be exposed. At least we ought to understand where our people may go and where they may not go. It is not surprising that an event of this nature should occasion considerable excitement and sympathy among the countrymen of those who have been so treated. I lay at the door of the noble Secretary of State all the sufferings which these British sailors have endured. The noble Lord ought to have been more explicit when he was asked by them what they should do. When they inquired whether Circassia was a place to which they might legally go, the noble Lord ought to have told them, and not to have wantonly exposed them to all the evils which they have suffered. Russia, as I have already said, is hardly to be considered a civilised power. Unless, therefore, we make a signal declaration in this House that we will no longer suffer her aggressions on our commerce, that our relations with her and the rest of the world are founded on a spirit of justice, and that, being so founded, we will never fail steadily to observe and promptly to enforce them, we may assuredly expect further encroachments. Russia must be told that we will not allow her, from any freak, or at her own pleasure, to say to our merchants, "Here you may trade, and there you may not;" but that we will pursue that undeviating course in which by the law of nations we are justified. And if the noble Lord desires to do something that may benefit mankind, I recommend him to inquire what the international law is on this subject, and, having ascertained it, to insist upon its observance by all nations. By such means and by such means alone, can the peace of the globe be preserved. It is useless to talk; let the noble Lord act, and he will have the co-operation of every civilised state. These papers, Sir, will show whether the noble Lord has been sufficiently alive to the importance of the subject; and they will also show whether he has taken the right means of protecting the interests—I mean the trading interests—of this country. The hon. and learned Member concluded by moving for "a copy of all correspondence between the Government of this country and the Governments of Russia and Turkey, together with a copy of all correspondence between the two last-mentioned Governments communicated to our own, relating to the treaty of Adrianople, as well as to all transactions or negotiations connected with the occupation of the ports and territories on the shores of the Black Sea by Russia since the above-named treaty of Adrianople."

Mr. *Ewart* said, that he, like the hon. Member for Bath, was an advocate for peace, but there were two ways of maintaining it; and the real and proper way was to adhere to the rules which we had laid down as those by which we should be guided. To acquiesce in any demands that might be made by Russia was not the way to maintain peace. This country should neither commit nor submit to aggression. Turkey had no right to make any cession to Russia; nor did Russia before the treaty of Adrianople recognise any right in Turkey to the possession of Circassia. The papers of that night had brought an account of the condemnation of the Vixen, which was the final act on the part of the Russian government. In the treaty of London, a reserve was made, to the effect that Russia should not in any war with Turkey gain any acquisition of territory, and we further reserved to ourselves the right of resisting any such acquisition if we deemed it necessary. The course pursued by Russia was extremely dangerous to our trade with Trebizond, and to our general commerce in that quarter. Was it to be permitted that the Autocrat should close up the Black Sea against us? Ought we not to have a fleet of British men-of-war there? The trade with Trebizond, which amounted to a million annually, required at least that protection, and a British fleet there would at once put an end to such audacious interference. If Russia were allowed to proceed as she had proceeded, the Black Sea would soon become a *mare clausum* to British commerce.

Sir *Edward Codrington* maintained that that House had a right to know precisely the situation in which the country was placed in respect to Russia. He had expressed the opinion before, and he was still of the same opinion, that the difficulty in which we were placed was owing to the uncertain way in which this country decided in matters of this sort, owing, perhaps, to a change of Government and politics. He thought he could show that Russia, not only on paper, but with sincerity, was formerly determined to execute the treaty of London. Now, would any man say, looking to that treaty that it was not in the power of England and France to force Russia to abide by the terms of the treaties she had entered into? If this were not the case, then indeed he must agree with the hon. and learned Member for Bath that all treaties were mere nonsense. With reference to the Greek question, he had no doubt of the sincerity of Russia; but it was in consequence of the Government showing a disposition to break faith, that Turkey forced Russia into a war; and then we left the Turks in the lurch, as we always did, and as we had done in the case of Spain. With regard to the present case, he had said two years ago that it was our duty to stretch out a hand to Turkey; and after the restoration of Greece, if we had done so, we should have prevented the war with Russia, and left Turkey in a much more favourable position. It was our duty to protect our trade with Turkey at any price, and to support that which was of more importance—the honour and integrity of the country. It was our duty to show that when we felt we were treated unjustly we had the power and the will to resent any insult put upon British subjects. He hoped the noble Lord would produce the papers for which the hon. and learned Member for Bath had moved.

Mr. *Barlow Hoy* said, that if the hon. and learned Member for Bath intended to lay down a new system or code of maritime and international law, he would go with him; but, at the same time, he did not see that England was in a position to proclaim the law propounded by the hon. and learned Member for Bath. Whatever might be done in the matter to which the motion referred, would be done in the spirit of fairness.

Viscount *Palmerston*: The hon. and learned Member for Bath, when he rose, promised the House that he would condense what he had to say into the narrowest compass; and never did an hon. Member more correctly keep his word than he did. But I never yet heard a speech of the same length which contained more extraordinary and new matter, or more astounding propositions, than the hon. Gentleman has promulgated. He has laid down opinions upon public law which I confess (though I may be ignorant on these matters) appear to me to be calculated to raise the shades of Puffendorff, of Grotius, and of Bynkershoek—men who devoted their lives to the study of international law. But not only did the hon. and learned Gentleman broach the most extraordinary doctrines when he adverted to what he maintained to be the proper law for nations to act upon, but, having afterwards complained of my interfering too much in the affairs of other countries, he has had the goodness to set me a task which, whatever expectations he may have formed, I certainly could not achieve. Sir, the hon. and learned Member gravely proposed, that I should occupy myself by devising and putting together a code of international law to entitle any country to trade with another, in spite of the contingency of wars which may rage in foreign lands. We are to get rid of this difficulty at the same time that this new code comes into operation. But there should be a perpetual peace, I presume; and, armed with this single parchment, I am to address myself to the nations of the world. Now, I confess, that whatever may be the talents of persuasion of the hon. and learned Member for Bath, I have too humble a notion of my own capacities to think the task which he has set me is one that I could fulfil. The hon. and learned Gentleman asks me to state precisely what is the principle of international law on which his Majesty's Government intend to proceed; and he says, do you mean to maintain the antiquated doctrine, that the belligerent has the right to blockade—are you prepared to maintain that principle? I think, first, that the hon. and learned Member is mistaken in supposing it to be the doctrine in the United States that every country has a right to trade. Sir, it is not necessary that I should agree to the production of the papers connected with the treaty of Adrianople, because I assure the hon. and learned Gentleman, that his Majesty's Government are prepared to exercise themselves, and they admit the right on the part of others to exercise the right of blockade according to the undoubted law of nations, which is, that the belligerents have the right to blockade, if that blockade be effective and consistent with usage. It must not be a matter of paper, but there must be the presence of force; and I say, that, as a maritime nation, our power depending on our fleet, we are satisfied that not only our commercial, but our political existence is connected with this principle of maritime law: and I say, that any man who would persuade England to renounce this principle, on the adherence to which the welfare of the country depends, must be the greatest enemy the country ever had. I agree, indeed, with the hon. Gentleman, in the observation he made, that the question which is now brought before the House is one not merely involving the important question of international law, but, by possibility, the question of peace or war between this country and Russia; and such being the true definition of the question before the House, I am persuaded that the House will see that, fortunately for us, it is not a part of its policy, that in a case which may lead to the issue of peace or war it can be properly treated in Parliament under circumstances like the present; but that the matter should be left to the executive Government until it shall have arrived at that point when it becomes their duty to communicate the facts to Parliament itself. Such being the constitutional practice, I am sure this House will feel, that I only discharge an imperative duty if I do not follow the hon. and learned Gentleman into any discussion of the practical question of the Vixen, to which he has referred. At the same time, in my own justification, I beg to say one word as to the charge which has been brought against me. The hon. and learned Gentleman has said, that I gave an evasive answer to the owner of the Vixen, by which he was misled; and as the hon. and learned Member has directed his observations to that point, I will read the letters which passed between Mr. Bell and myself. But I beg to point out a distinction which has not been sufficiently adverted to by the hon. and learned Member, with reference to belligerents blockading. There is a distinction to be drawn between measures which may be applied by one power to the ports and coasts of another power with which she may be at war, and a blockade maintained to enforce municipal regulations to which a system of quarantine applies. I will now, with the permission of the House, refer to the correspondence. On the 25th of May last year I received a letter stating that the writers, Messrs. Bell and Co., "were about to undertake the working of certain salt mines belonging to the Prince Hospodar of Wallachia; and having heard that certain ports on the coast of Circassia were in a state of blockade, wished to be informed if any blockade existed which was recognised by the British Government," — the writers adding, — "that although they had not entered into the speculation, they intended to do so if the answer to their application were favourable." The answer returned by the Under Secretary to that application was, —"that his Majesty's Government did not undertake to advise individuals upon any private speculations they might wish to enter into; it was for individuals to judge for themselves on those matters, and determine upon such information as was open to all persons." On the 30th of May, Messrs. Bell again wrote to say,— "that no opinion was required as to whether they should or should not enter into the proposed speculation; the only inquiry was, whether his Majesty's Government recognised the blockade on that coast:" and adding "that they thought the inquiry important, inasmuch as no notice had been given to this country of the existence of any such blockade." On the 2nd of June an answer was returned to this communication, stating, "that in answer to Messrs. Bell's application, requesting to be informed if his Majesty's Government recognised any blockade on the coast of Circassia,—if the inquiry was retrospective, as to whether the British Government had notified any blockade on the Black Sea, the letter itself was an answer; but if the inquiry was prospective, and related to an hypothetical case, it was the duty of the Government to listen to complaints of injuries received by his Majesty's subjects, and to assist them in obtaining redress for real grievances; but that it was no part of their duty to answer speculative inquiries,—British merchants must watch their own interests, and not expect the Government to prejudge questions of internationalrights." On the 4th of June Messrs. Bell again wrote, stating, "that they did not make inquiries of a retrospective or speculative nature; but merely as to the fact of whether a blockade of the coast of the Black Sea, south of the river Kouban, which had existed up to the date of the last intelligence, still continued?" and also stating, "that lest they might not understand the reply of his Majesty's Government, their conviction was —that, as there was no notification of it, such blockade was not recognised by his Majesty's Government, and if they received no contradiction they should proceed to act accordingly." A letter in reply was forwarded, on the 7th of June, "referring the parties again to the *Gazette*, in which they would find all such notifications as those alluded to, for the information of all concerned." This constituted the whole of the correspondence that took place between the Government and the commercial house of which Mr. Bell was a member; the fact at the time being, as appeared in the *Gazette*, that no blockade had been declared by the Russian Government—at least, none communicated to the Government of this country, and, therefore none had been acknowledged. I have already stated, that I wished to draw the attention of the House to the distinction that exists between a blockade, and the establishment of certain municipal regulations. Acting according to what I conceived to be my duty, I declined to give to Mr. Bell any communication as to what the bearing of the municipal regulations, established by Russia on the eastern coast of the Black Sea, might be upon the particular voyage he was about to undertake; but I referred him to the *Gazette*, where he would find that no blockade had been declared or communicated to this country by the Russian Government, consequently none was acknowledged. This closed the correspondence. Therefore, when the hon. and learned Member (Mr. Roebuck) says, that the voyage of the "Vixen" was encouraged, that she was allowed to go out by the Government as a sort of feeler to try a particular question of international law, I think, from the correspondence I have read, the House will see, that all the replies of the Government were of a discouraging rather than of an encouraging nature. I quite agree with the hon. and learned Member in his maxim, that we ought to do justice to all countries, however small or weak they may be; and that we ought not to submit to injustice from any country, however strong; because undoubtedly this country is sufficiently powerful to make her rights respected by any nation that may be disposed to violate them. But the hon. and learned Member complains that we do not put in practice this maxim; and he says that we have a fleet in the Mediterranean for no other purpose, as he conceives, than to furnish yachts of pleasure to a certain number of captains descended from high families in the land. As a proof of the uselessness of the Mediterranean fleet, the hon. and learned Member cites a case which took place, not in the Mediterranean, but in the Black Sea, and in which therefore the Mediterranean fleet could not interpose. But I take upon myself to deny the assertion made by the hon. and learned Gentleman, and to declare that the Mediterranean fleet has been most useful in protecting our commerce, which is the chief and main object to which the policy of this country should be directed. But the hon. and learned Member made a very singular proposition—he said, "I care not for the balance of power, I care only for the commerce of England; I care not if one power gain possession of the whole world, as long as the commerce of England is maintained." But what would be the position of our commerce if the hon. and learned Gentleman's proposition were established? What would be the position of England, if her commerce with all the rest of the world happened to depend on one single will by which the whole of the rest of the world was governed and directed? I am sure he would see that his indifference on one side, and his anxiety on the other, were incompatible in their results; and that the only mode of continuing a free commerce is to keep a watchful eye upon that balance of power which he thinks should not be a matter to occupy so much attention as the Government he thinks is disposed to lavish upon it. The hon. and learned Member states that Russia has broken faith with regard to the arrangements entered into in the treaty of London, by which she engaged not to acquire any territory at the expense of Turkey. I do not consider that that particular engagement applied to a case of war between Russia and

Turkey. I am of opinion with the gallant Admiral (Codrington) that it was limited to transactions connected with the settlement of the affairs of Greece. At the same time I must say, that Russia, though she was not bound by that particular stipulation, did, nevertheless, at the time she was commencing her war with Turkey, voluntarily enter into an engagement, by a declaration to the whole of Europe, by which she did bind herself, as far as a voluntary declaration can be considered binding on any power, that let the result of the war with Turkey be what it would, in no case would she look to any acquisition of territory. I am bound, therefore, to say that the criticism of the hon. and learned Gentleman, although the reasons upon which he founds it are not correct, yet holds good as far as the extension of the Russian frontier is concerned on the mouth of the Danube, the south of the Caucasus, and the shores of the Black Sea, and which certainly is not consistent with the solemn declaration made by Russia in the face of Europe previous to the commencement of the Turkish war. It would be entirely inconsistent with my public duty to enter further into a discussion of the merits of the particular case of the Vixen; but I can assure the House that his Majesty's Government feel quite as strongly as the hon. and learned Member for Bath, or any other Gentleman in the House can do, the great importance of the question itself, as well as the consequences that, in one way or the other, may result from it. I assure the House that the question occupies the serious attention of the Government; and I trust that those who feel any degree of confidence in the Government will act consistently with the usual practice of Parliament; will permit the Government to deal with the question in the manner which it deems most in accordance with the rights, interests, and honour of the country; and will not peremptorily call upon it to enter into explanations which can have no other effect than to mar the very object which the hon. and learned Member for Bath professes to have in view. With regard to the papers for which the hon. and learned Gentleman has moved, to the production of such of them as relate to the case of the Vixen I must object, upon the same grounds as those that induce me to abstain from entering into a discussion of the merits of that particular case. As regards those which have reference to the communications which have taken place between England and Russia, the hon. and learned Gentleman has laid no ground for their production, except as connected with the case of the Vixen. Therefore, upon the same ground as I have already stated, I must object to their production also. If they bear upon a question now under consideration, their production would be dangerous: if they refer to questions that are gone by, they can obviously be of no use to the hon. and learned Gentleman who moves for them.

Mr. *Maclean* did not mean to say, that he went to the full extent of the motion of the hon. Member for Bath, who asked for the production of all the correspondence between the British and Russian Governments; but, he could not see, that because it was the duty of the Executive to take certain steps which were deemed to be of consequence to the dignity of England as a nation, that therefore the House was to be refused access to all papers, however useful or important they might be in the assisting them to come to a proper understanding of the state of the question to which they related. He thought it would have been very satisfactory to the House if they could have obtained from the noble Lord some declaration of his sentiments respecting the treaty of Adrianople; for it was important to consider, that when that treaty was made it was protested against by the Duke of Wellington. As soon as a copy of it was transmitted to that noble Duke, he protested against acceding to any of the propositions made by Russia. It would, therefore, be of importance for the noble Lord to tell the House whether he assented to or dissented from those propositions; for the whole question respecting the commerce of the Black Sea depended upon whether by that treaty of Adrianople was or was not guaranteed to her the possession of the coast which she had blockaded. In all the antecedent treaties it would be found that the possession of Circassia by Turkey was recognised; at least there was such a guarantee given by Russia as would not allow the conclusion that she had acquired possession of Circassia by any of the former treaties. But if they would look into the fourth section of the treaty of Adrianople, they would find that there was not one word mentioned about the coast of Circassia. In the published correspondence respecting the case of the Vixen it was treated as a case of smuggling only. In the manifesto published by Russia, declaring what she had done or would do, no mention was made of a blockade or any municipal regulations, but it was expressly stated, that the Vixen was seized because she was guilty of smuggling. But taking the correspondence published on the part of Mr. Bell, *The Gazette*, and other documents in which any mention was made of the case, what evidence was there at present to show that there was any act of smuggling? None. Yet the Vixen had been seized, and British subjects had been deprived of their property, though certainly through the clemency of the Emperor, they had not been deprived of their lives. It was somewhat extraordinary, therefore, to him, that those papers should be refused which might afford any information on the subject; and he must say, that he thought it would have been more satisfactory if they had been at once ordered to be laid on the table, although he gave credit to the noble Lord for a due consideration of the honour of the country.

Dr. *Lushington* was rather anxious to address a few words to the House in consequence of the remarks which some hon. Gentlemen had made upon the principle of blockade, and also in consequence of some observations which had fallen from the hon. Gentleman who had just sat down, and who had not accurately described the grounds on which Russia had proceeded. In the first place, he must say that he entirely concurred in what had fallen from his noble Friend, that it would be extremely inconvenient to make public any fact or circumstance connected with the question in dispute with Russia at present. Ever since he had had the honour of being in that House, he would venture to say, that whatever Ministers had done, or might do, he never had given, nor ever would he give, his voice for the production of papers during the time important negotiations were going on, which the production of those papers might seriously affect, and he was satisfied, that if they were produced in the present case, the effect would be mischievous to the nation, and calculated to disturb the peace of the world. Therefore, relying upon his noble Friend, who relied upon the confidence of the House, he must oppose the motion. He differed entirely from the hon. Member who had just sat down in his opinion on the nature of the blockade which Russia had established. What Russia had said was, that she had made certain regulations to prevent smuggling upon the Circassian coast down to the river Kouban, and that she had taken the Vixen in the act of smuggling in violation of those rules. The hon. Gentleman was quite mistaken if he thought that it was necessary that the ship should unload her cargo to be guilty of smuggling. If the vessel came within three miles of the coast where smuggling was prohibited, it would be just as much a violation of the laws against smuggling as if she had actually entered a port; therefore Russia was entitled to seize a vessel under such circumstances. It had been asked in the course of the debate on what principle Russia established a blockade of those coasts. It was highly desirable that no doubt should prevail in the House of Commons of Great Britain for one moment on so important a question. Nothing could be more dangerous to the peace and prosperity of the nation than a doubt as to the principle upon which the right to blockade existed. The right to establish a blockade existed by the acacknowledged law of all nations, and that of the United States as well as others. If one country was at war with another, it had a perfect right to blockade, if it maintained a sufficient force, and gave sufficient notice. As in the case of Spain and South America, which was formerly part of her dominions, a nation would have a right *de jure et de facto* to declare that part of the country with which it was at war to be in a state of blockade, provided it maintained a sufficient and adequate force for that purpose. A nation could have a right *de jure* and by possession *de facto* to declare a territory in a state of blockade; or a right *de jure* and not by possession *de facto*, but by claim for possession. But then came another case which was not a case of blockade. It was where a country said, "I have a right to this territory—I am in possession here—I may establish here such municipal regulations as I please." There was no such thing as the blockade of a country of which you were yourself in actual possession. That was the case of Russia and Circassia. Russia being in possession of Circassia, had power to make such municipal regulations as she pleased; and those regulations must of course be observed by all who sought to trade with the province or the port to which they applied. His noble Friend had said that there was no blockade. A British merchant had a right to ask that question of the Foreign-office; he had a right to know whether there were any such impediments in the way of British commerce with foreign nations. But the letter of Mr. Bell went a great deal further. He had asked the noble Lord whether there was any prohibition of British commerce with foreign countries arising out of their own municipal regulations. To that his noble Friend had most properly replied, "I will not say a word upon that subject; it is a matter which does not come within my department." The distinction taken by his noble Friend was a true and accurate distinction. His noble Friend told Mr. Bell, "If you choose to enter into a speculation with a foreign country you must engage in it at your peril: you cannot expect the government of this country to do that for you which the government of this country has never yet done for any British merchant—that of declaring to you the state of the municipal law of foreign nations. You have a right to ask at the foreign department what is the state of the public law, but you have no right to ask what is the state of the municipal law, and particularly what are the regulations appertaining to the trade of any or every country in the world." In making this statement to Mr. Bell, he conceived that his noble Friend had done all that his official duty required of him, and indeed all that it was in his power to do. The answer of his noble Friend was, "I know of no blockade," and in giving that answer he was of opinion that his noble Friend had followed the precedent and example of every man, uniformly and without exception, who had preceded him in the office of Secretary for Foreign Affairs. He (Dr. Lushington) could not conceive any thing more injurious or more destructive to the character and public efficiency of that office itself, and of the responsibility which belonged to it, than any attempt to fix upon it, as a matter of necessity, the obligation of making itself acquainted with all the regulations which any other country might think proper to establish with regard to trading on its own shores, or which it might think right to impose on its own commerce. He was a sincere and ardent lover of peace, and he was most anxious that the transaction of the Vixen should be wound up with honour to the British government and peace to the world. Feeling that deep anxiety, and believing that no man who had seen any of the documents which had been made public could avoid foreseeing many difficult and embarrassing questions involved in them, he would not endanger in the slightest degree, by a premature expression of any opinion of his own, the eventual success of the negotiation now pending between Great Britain and Russia, he hoped the permanent preservation of peace between the two countries. He would rather avoid even pretending to say what questions might or might not arise upon the treaty of Adrianople. He would prefer waiting with patience the arrival of that period when the present Government or any other Government of this country, should have had full and ample opportunity, by all the means in their power, to bring this question—a question of most grave and serious importance—to a just, peaceful, and amicable conclusion. Let it not, however, be supposed that from his anxiety for this result he was one of those who would for a moment countenance an insult against the British flag, or against British honour. That was neither consistent with his feelings, nor he trusted, with any portion of his conduct; but he might be excused for saying that he would not take any step whatsoever—that he would not utter one single word—that might diminish or render in the slightest degree less probable an amicable consummation of this question, or that might hazard the commencement of those evils which, if once commenced, no one now living might see the termination.

Captain *Berkeley* said, that the hon. and learned Gentleman had so well expressed the reasons upon which he should give his vote in support of the noble Lord resisting the production of these papers, that he did not think it necessary to repeat them; but he could not agree with the hon. and learned Gentleman in the construction which he had put upon the letters that had been read by the noble Lord. He hoped, when the whole of the letters should appear before the public, the matter would assume a much more explicit character than that which had been given to it by the letters produced by the noble Lord.

Mr. *Hume* thought, from the argument of the noble Lord, that he could not have read or heard the terms of the motion. The object of that motion was one of vast importance to the merchants of this country. It was to ascertain whether the coast which was alleged to belong to Russia had really been ceded to that country by the treaty of Adrianople. Undoubtedly Russia had the right to make her own regulations with regard to trading on her own coast; but the question was, whether the portion of the coast in question really belonged to her? He would admit the doctrine which had long been maintained in this country, that one hostile power had a right to blockade, provided it had sufficient force. But the question as to the origin of that blockade was, whether it was a hostile country or not? The noble Lord had given the House no information on this point; he thought there could be no secrecy about it. There ought not to be any. The terms of the treaty of Adrianople ought to be explicit, and thoroughly understood. He would ask the noble Lord what was the object of the office which he filled? Why was a Secretary for Foreign Affairs appointed? Was it not, that he should carry on a diplomatic correspondence with foreign powers, in order to ascertain what were the relations of commerce and of friendship which existed or could be established between those powers and the British nation? When the merchants of England, then, were desirous of legally extending the trade of this country with foreign nations, they very naturally applied to the Secretary for Foreign Affairs to ascertain what was the state of that particular country or coast with which they wished to trade. With reference to the point now under consideration the question was a very simple and obvious one—was the Circassian coast in a state of blockade or not? In whose possession was it? and did any blockade exist there? He contended it was perfectly open to any British merchant to make those inquiries of the noble Lord; but, instead of frankly giving the information required, it appeared to him, if it was possible for language to disguise a plain and simple question, undoubtedly the noble Lord's correspondence had effected that object; and although Mr. Bell, in repeating the question, pushed him very hard, still the noble Lord had ingenuity enough to evade it. But the noble Lord had not only evaded Mr. Bell, he had sat down without telling the House of Commons who was in actual possession of the Circassian coast at the present moment—he had not told them whether it really belonged to Russia, and whether it was by right of a violation of fiscal regulations, or in consequence of an existing blockade, that the Vixen had been seized. With all deference to the noble Lord, he conceived it to be his duty to give an unequivocal answer to a British merchant making inquiries on that subject, and he was quite surprised at the language of the learned Civilian that the Foreign-office was not bound, and could not be expected, to communicate such information. If that were not the duty, he should like to know what was the use of the Foreign-office at all? The noble Lord had seemed to feel himself rather in an awkward situation; for if it should turn out that the conduct of Russia had been inconsistent with the public professions she had voluntarily made at the time, he feared, from the silence of the noble Lord, the British Government was culpable in not having taken the proper steps to remonstrate and prevent her violation of the engagements she had undertaken. Otherwise, why hesitate now to make a public declaration on the subject? But, even after the discussion which had taken place enforcing the question of Mr. Bell, they were precisely in the same situation as before; they had no more information than Mr. Bell had, and any British merchant pursuing the same course would still be liable to the same losses and annoyance which he had suffered. Such a state of things, he maintained, was neither creditable to the noble Lord nor to the British House of Commons, and if ever they were called upon to enforce an explanation, it was upon the present occasion. A most important and valuable accession to British commerce might take place with the Circassians, if protection were afforded to the British merchant, and if they could obtain satisfactory information as to the terms on which the trade could safely be conducted. He hoped the noble Lord would give some explanation to the House upon this subject, and tell the country whether the Circassian coast had really been ceded to Russia; whether it was now in the possession of that country, and whether the British Government had agreed to the cession; whether the Vixen had been seized according to the official announcement in the *St. Petersburgh Gazette*, as a smuggling vessel, or in consequence of the blockade. The noble Lord had answered none of those questions; and if he could not, he must be allowed to say he inefficiently discharged the duties of his office. There was strong ground of complaint against him, and it was quite inexcusable that British merchants, wishing to know whether commerce might be carried on in a particular quarter, and applying to the Foreign-office for authentic information should be put off and referred to the *Gazette*, without specifying any particular number of it, and which might have been published half a century ago, when it was doubtless in the noble Lord's power to afford all the requisite explanations. He hoped the noble Lord would not allow this opportunity to pass without giving those explanations to the House.

Mr. *Robinson* did not wish to press the Government to make any premature disclosures. He agreed with the hon. Member for Middlesex that the present discussion had not been satisfactory on the part of the noble Lord; and he thought that in the correspondence between Mr. Bell and the noble Lord, Mr. Bell had by far the advantage. He thought also that it was rather an extraordinary thing that the noble Lord, who was not only at the head of the Foreign Department, but was one of the Ministers of State, and therefore cognisant of all the Cabinet secrets, should not be able to answer the plain and simple question put to him by Mr. Bell—and that at a time some years after the treaty of Adrianople—whether a British merchant had or had not the right to trade with the coast in question. If the noble Lord meant to say—as he understood the noble Lord to state—that it was a doubtful point—that Russia had asserted her right to the coast in question, but that the British Government was neither prepared to admit it on the one, nor perhaps altogether in a condition to controvert it on the other, —then he would ask the noble Lord how long the merchants of this country were to be prevented carrying on trade with the eastern shores of the Black Sea? How long was this discussion to be continued with the Russian government? And when they were speaking of the Russian government it should be recollected that they were speaking of a government with which this country had been on the most friendly relations since the treaty of Adrianople. He did not mean to say, that the noble Lord had a right to put his construction on the claims of Russia, or that those claims were not founded on the principle of justice and the right of nations; but the noble Lord had a right to say to Russia that our merchants claimed a right to trade with the coast in question, and that that claim therefore must be decided. He did not think that any question of a blockade arose in this case. There was in fact no blockade. There was no maritime force employed. If Russia had a right to deal with the Vixen in the manner she had done, that right could only have arisen out of what the noble Lord had called municipal, but what Russia called sanatory, regulations. But he must say, that he had never heard of any sanatory regulations which subjected a vessel and cargo to be seized, and persons on board to be imprisoned, unless that seizure had been in consequence of a wilful violation of rules which had been previously promulgated. Speaking as a British merchant, he thought the noble Lord ought to have put Mr. Bell on his guard. The noble Lord was perhaps right, so far as informing Mr. Bell that no official notice of a blockade had been received at the Foreign-office; but, surely, if Russia had intended to exclude all British commerce from the coast of Circassia, it ought to have been known to the British Government that such a right was pretended to, and that Russia was determined to maintain that right; and the noble Lord ought to have informed Mr. Bell that he would be trading with that country at his own peril. He was not aware that it was intended to press the present motion against the wish of the noble Lord; he rather thought it had been brought forward with a view to operate as a stimulus to the noble Lord, and from an impression that had been made in the mind of the hon. and learned Member for Bath, that this question had remained much too long in a state of suspense, and that it ought to be brought to a satisfactory conclusion. If Russia had a right to interdict the commerce of this country with those shores, whether from the treaty of Adrianople, or whether, as Russia contended, by right of prior occupation, the Government ought to ascertain what the right of Russia was, and ought to inform the subjects of this country of its nature, in order that they might know precisely what was the real state of the case. He trusted that the noble Lord would not consider the subject as merely relating to the treaty of Adrianople; for although it might appear hereafter that Russia had the right to exclude vessels from trading with Circassia, it certainly had no right to seize vessels without a proper notification of a blockade. He also trusted, that the noble Lord would take care that the honour and character of the country were not compromised in the case of the Vixen, but that the encroaching character of the Russian Government would be restrained in this as well as other matters. If the result of the matter should appear to be, that Russia had been guilty of unjust aggressions, he trusted that the noble Lord would come down to the House and place the whole correspondence on this subject on the Table, and take the sense of Parliament as to future steps which it might be considered necessary to resort to. He did not pretend to give a decided opinion on the subject, but it appeared to him that the settlement of the question had been too long delayed; it was of the utmost importance that it should be brought to a satisfactory issue, so that British merchants might know what they had to expect, and also, how they were to act.

Mr. *O'Connell* really did not know what conclusion the hon. Gentleman who had just sat down had arrived at, from the tenor of his speech and from the observations in which he had indulged. Of this, however, he was satisfied, that the hon. Gentleman was looking merely to the proceedings now pending respecting the treaty of Adrianople. It had been stated, that Russia did not maintain a force to keep up a blockade; but this was not the fact, for the Vixen was seized by a ship of war. He was sure that no person in that House understood the subject better than the hon. and learned Civilian, nor was there any one who could make it more clear and intelligible; and, therefore, if he had not understood his learned Friend, it was not his learned Friend's fault. He understood his hon. and learned Friend to say, that there were two species of blockade—the one against a hostile power, and the other of a power against its revolted subjects. When he heard the noble Lord read the letters respecting the seizure of the Vixen, he could not help calling to mind the expression of Talleyrand, that language had been invented to conceal thoughts. He admitted, however, that the noble Lord had sufficiently answered the question put to him by Mr. Bell, but not in a manner that would be sufficiently intelligible to a plain sailor. The noble Lord referred Mr. Bell to *The Gazette*, to learn whether the coast of Circassia was or was not blockaded; now, according to the learned civilian, it would be unnecessary to place a notification of the blockade in *The Gazette* if this territory belonged to Russia. Thus, if Russia instituted a blockade of the ports of Norway, to render it effective it would be necessary that a notification should appear in *The Gazette*; but if that power chose to blockade the port of Archangel, it would not be necessary to notify the matter in *The Gazette*, because it would be merely a subject of municipal regulation. In this case, he thought that Mr. Bell was perfectly justified in sending out his vessel, for he had been told to refer to *The Gazette* to see whether there was a blockade or not. It was clear, therefore, from this observation of the noble Lord, that he did not at that time consider the coast of Circassia as any part of the Russian territory. Again, in 1826, notwithstanding the subject matter of quarrel between Russia and the Porte, it was agreed that no sort of commercial advantage should be gained on this coast by either party. He contended that Russia could not gain possession of this country by the treaty of Adrianople. This country could not be touched by Russia by any municipal regulations, and, therefore, no seizure of a British vessel could be justified on the part of Russia, on the ground that it was engaged in illicit trading. The hon. and learned Civilian had satisfactorily settled that part of the question. He believed that the only safe mode of settling this matter, was by taking such steps as to let Russia know that England was determined to enforce the protection of British subjects. Let the Russian Government say what it pleased, and make what regulations it chose regarding its own subjects at St. Petersburgh or elsewhere, but let them also know that it could not deal with British subjects as it pleased, but that House and the country were determined to protect them. In conclusion, as the noble Lord had been the means of sending Mr. Bell to the coast of Circassia, he was bound to take care to protect the interests of Mr. Bell in that country, and that if his property had been wrongfully seized that indemnity should be given to him.

Lord *Dudley Stuart* observed, that this was a question of great and vital importance to the commercial interests of this country. It was not merely as to whether an individual had been robbed of his property, but as to whether we should be allowed to extend our commercial relations to other countries, or whether we should be restrained from doing so at the whim and caprice of Russia. That power had put forward a justification of the blockade, in the first place, on the ground that Circassia was a hostile country, and afterwards on the plea that it was merely for the purpose of enforcing municipal regulations, and had resorted from the one plea to the other at her will and pleasure. But what were the facts of the case? A British subject applied at the Foreign-office to know whether he could send his vessel to a foreign port for the purpose of commerce, and he was told by the noble Lord to look into *The Gazette* to see whether there was any notification of a blockade. Now the learned Civilian said that the blockade was effective because the vessel was captured by a man of war; but what were the facts of the case? The vessel laid in the port where it was seized for thirty-six hours before it was interfered with at all; it would therefore appear that this was only an apparent blockade, and not a real one. A good deal had been said as to this vessel having been laden with munitions of war, but he was authorised to say that it did not contain any thing of the kind, but was laden with salt and some patterns of English manufactures. When the Russian officer seized the vessel, he asked the captain whether he did not know that there was a blockade on the coast; this was also stated by the Russian admiral when the vessel was taken into Sebastopol. The Russian authorities afterwards went from the assertion of the blockade, and stated that the vessel had been seized for the violation of municipal regulations in attempting to smuggle, and for a violation of the quarantine regulations. He would refer to the authority of the learned Civilian on the latter point. He would ask—admitting for argument sake that it was not necessary to notify a municipal regulation before enforcing it—whether it was not necessary to notify the establishment of quarantine on a coast? Although he felt much obliged to the hon. and learned Member for Bath for bringing forward the subject, he felt that it would have a bad result, as the noble Lord would not lay the papers before the House, and thus the matter would drop; and he could not help observing, that the noble Lord had never laid a word of the correspondence about Russia on the table of the House since he had been at the Foreign-office, notwithstanding the aggressive conduct of that power. If they admitted the plea of Russia, in the case of the Vixen, they would enable that power to make what regulations it pleased under the pretence of a quarantine. He contended that Russia had no right whatever to Circassia. He was prepared to maintain this on several grounds. He denied that Turkey ever had possession of that country. Whenever Turkey had possession of a country it sent a Pacha there, and also enforced the payment of tribute; but nothing of the kind had ever been enforced by Turkey in Circassia. The noble Lord, the Secretary of State, apparently wished the House to infer that Russia had possession of the country. But the fact was that she had only possession of two or three forts, and this was not sufficient to allow them to exercise the rights of sovereignty. He would read an authority, to which he thought the noble Lord would attach great weight, as to the possession of two or three forts giving any thing like a legal occupation to a country. In 1806 Prussia had put forward a claim to the kingdom of Hanover, on the ground that that country had been ceded to her by France. On that occasion Lord Castlereagh observed,—

> "As to the arguments used by Prussia, after taking possession of Hanover as a permanent dominion, they appeared to him to be obviously untenable upon any principle of justice. Prussia stated France held Hanover by right of conquest, and under that right assumed to dispose of it. But, without any reference to the forcible and outrageous manner in which France originally took possession of Hanover, it was clear that, at the time they undertook to transfer it to Prussia, they did not hold it at all, for they were not in possession of that country, having evacuated the whole of it, with the ex-

ception of a single point. And unless the retention of that point (the fortress of Hameln) could be argued to imply a possession of the whole country, it would be absurd to attempt the maintaining upon any principle of public justice, that the French held Hanover as a conquest at the time of the transfer so justly complained of. Therefore, the main ground of justification upon which Prussia seemed to rely for the validity of this transfer must fall to the ground. Indeed, the declaration of Prussia herself, in January, when she occupied Hanover, professedly, until the conclusion of peace, distinctly supported this argument, and recognised the principle she had asserted. And upon no pretence whatever could the unqualified way in which she afterwards acted towards that ill-fated country be warranted."

On the same principle that the claim made by Prussia was held to be void, so the claim of Russia to Circassia must fall to the ground. But they had also the authority of the Circassians as to the claims of Russia. *Audi alteram partem* had always been held to be a good maxim, and on this point he would refer to the manifesto sent to the Government of this country, as well as to other countries, from Circassia. That stated,

"'It is therefore with the profoundest humiliation that we have learnt that our country is marked on all the maps printed in Europe, as a portion of Russia; that treaties, of which we know nothing, should have been signed between Russia and Turkey, pretending to hand over to the Russians these warriors that made Russia tremble, and these mountains where her footsteps have never come; that Russia tells in the west that the Circassians are her slaves, or wild bandits and savages, whom no kindness can soften, and no laws can restrain. We most solemnly protest in the face of Heaven against such womanish arts and falsehood. We answer words with words, but it is truth against falsehood. For forty years we have protested triumphantly against accusations with our arms; this ink, as the blood we have spilt, declares our independence; and these are the seals of men who have known no superior save the decision of their country—men who understand no subtle arguments—but who know how to use their weapons when the Russians come within their reach. Who has the power to give us away? Our allegiance is offered to the Sultan, but, if he is at peace with Russia he cannot accept it, for Circassia is at war. Our allegiance is a free offering; he cannot sell it, because he has not bought it. It is by arms, not by words, that a country can be conquered. If Russia conquers us, it will not be by arms but by cutting off our communications, and making use of Turkey and Persia as if they were already hers—by rendering the sea impassable, as if it were her own—by blockading our coast—by destroying not only our vessels but those of other states which approach us—by depriving us of a market for our produce—by preventing us from obtaining salt, gunpowder, and other necessaries of war, which to us are necessaries of life—by depriving us of hope. But we are independent; we are at war; we are victors. The representative of the Emperor, who numbers us in Europe as his slaves, who marks this country as his own on the map, has lately opened communications with the Circassians, not to offer pardon for rebellion, but to bargain for the retreat of 20,000 men enveloped by our people, and to make arrangements for exchange of prisoners.'"

Let not the House suppose that this document was something got up in this country, and of no authenticity. There was not the slightest doubt of its authenticity, and he would appeal to the noble Lord himself whether the original was not in this country. He (Lord D. Stuart) was well acquainted with a gentleman of the highest character who was present when this document was signed by nineteen Circassian chiefs. Was it not disgraceful, he would ask, that at this time of day, after the lapse of two months from the period when the British flag had been so grossly insulted, the liberty of a British subject had been so flagrantly violated, the British House of Commons was still deliberating on the subject—still endeavouring unsuccessfully to extract from the British Minister for Foreign Affairs some information as to what he had done, or what he intended to do? How different had been the conduct pursued by the British Government in former times when similar outrages to these had been offered to British subjects. He would illustrate this by a story quite in point, which had been told to the House of Commons upon a similar occasion, by Mr. Pulteney, so long ago as the year 1738. At that period British vessels had been interfered with by a foreign power, and great dissatisfaction was very properly expressed by Members of the House of Commons. In the course of the debate which then occurred Mr. Pulteney stated, with great effect, what had been done in a similar case which occurred during the Commonwealth, and stated in these terms:—

"This was what Oliver Cromwell did in a like case that happened during his government, and in a case where a more powerful nation was concerned than ever Spain could pretend to. In the histories of his time we are told, that an English merchant ship was taken in the chops of the Channel, carried into St.

Maloe's, and there confiscated upon some groundless pretence. As soon as the master of the ship, who, we are told, was an honest Quaker, got home, he presented a petition to the Protector in council, setting forth his case, and praying for redress. Upon hearing the petition the Protector told his council he would take that affair upon himself, and ordered the man to attend him the next morning. He examined him strictly as to all the circumstances of his case; and finding by his answers that he was a plain, honest man, and that he had been concerned in no unlawful trade, he asked him if he could go to Paris with a letter? the man answered, he could. 'Well, then,' says the Protector, 'prepare for your journey, and come to me to-morrow morning.' Next morning he gave him a letter to Cardinal Mazarine, and told him he must stay but three days for an answer. 'The answer I mean, Sir,' says he, 'is the full value of what you might have made of your ship and cargo; and tell the Cardinal that if it is not paid you in three days you have express orders from me to return home. The honest, blunt Quaker, we may suppose, followed his instructions to a tittle; but the Cardinal, according to the manner of Ministers when they are any way pressed, began to shuffle: therefore the Quaker returned as he was bid. As soon as the Protector saw him, he asked, 'Well, friend, have you got your money?' and upon the man answering he had not, the Protector told him, 'Then leave your direction with my secretary, and you shall soon hear from me.' Upon this occasion that great man did not stay to negociate, or to explain, by long tedious memorials, the reasonableness of his demand. No, sir, though there was a French Minister residing here, he did not so much as acquaint him with the story, but immediately sent a man-of-war or two to the Channel, with orders to seize every French ship they could meet with. Accordingly, they returned in a few days with two or three French prizes, which the Protector ordered to be immediately sold, and out of the produce he paid the Quaker what he demanded for the ship and cargo: then he sent for the French Minister, gave him an account of what had happened, and told him there was a balance, which if he pleased should be paid in to him, to the end that he might deliver it to those of his countrymen who were the owners of the French ships that had been so taken and sold."

"This, Sir, was Oliver Cromwell's manner of negotiating; this was the method he took for obtaining reparation; and what was the consequence? It produced no war between the two nations; no, Sir, it made the French government terribly afraid of giving him the least offence; and while he lived, they took special care that no injury should be done to any subjects of Great Britain."

He did not wish it to be understood, that it was exactly this mode of proceeding which he should advise the noble Minister for Foreign Affairs to pursue on the present occasion; but he must state his opinion, that the want of vigour and alacrity to defend the honour of the country which the noble Lord had displayed, was most culpable. He would mention another instance occurring in more recent times, during the administration of Mr. Pitt, to show that the conduct of no former Minister had ever been so vacillating, so hesitating, so uncertain, so cowardly, when an insult had been offered to British subjects. In 1790, the Spaniards had presumed to capture two British vessels which went out to Nootka Sound for the purpose of trading. Let the House attend to what happened on that occasion, for the parallel between that case and the present was so close, that put Russia for Spain, one vessel instead of two, and Abascia instead of Nootka Sound, and the circumstances were almost identically the same in other respects. No sooner was the British Government informed of this outrage, than the most determined steps were taken by Ministers; the British minister at Madrid was directed to demand adequate satisfaction and the restitution of the vessels previous to any discussion; and the following message was sent to both Houses of Parliament:—

"George R.—His Majesty has received information, that two vessels belonging to his Majesty's subjects, and navigated under the British flag, and two others, of which the description is not hitherto sufficiently ascertained, have been captured at Nootka Sound, on the north-western coast of America, by an officer commanding two Spanish ships of war; that the cargoes of the British vessels have been seized, and that their officers and crews have been sent as prisoners to a Spanish port. The capture of one of these vessels had before been notified by the ambassador of his Catholic Majesty, by order of his court, who at the same time desired that measures might be taken for preventing his Majesty's subjects from frequenting those coasts, which were alleged to have been previously occupied and frequented by the subjects of Spain. Complaints were also made of the fisheries carried on by his Majesty's subjects in the seas adjoining to the Spanish continent, as being contrary to the rights of the crown of Spain. In consequence of this communication, a demand was immediately made, by his Majesty's order, for adequate satisfaction, and for the restitution of the vessel, previous to any other discussion. By the answer from the court of Spain, it appears that this vessel and her crew had been set at liberty by the viceroy of

Mexico; but this is represented to have been done by him on the supposition, that nothing but the ignorance of the rights of Spain encouraged the individuals of other nations to come to those coasts, for the purpose of making establishments or carrying on trade; and, in conformity to his previous instructions, requiring him to show all possible regard to the British nation. No satisfaction is made, or offered; and a direct claim is asserted by the court of Spain to the exclusive rights of sovereignty, navigation, and commerce, in the territories, coasts, and seas, in that part of the world. His Majesty has now directed his minister at Madrid to make a fresh representation on this subject, and to claim such full and adequate satisfaction as the nature of the case evidently requires. And, under these circumstances, his Majesty, having also received information that considerable armaments are carrying on in the ports of Spain, has judged it indispensably necessary to give orders for making such preparations as may put it in his Majesty's power to act with vigour and effect in support of the honour of his Crown and the interests of his people. And his Majesty recommends it to his faithful Commons (on whose zeal and public spirit he has the most perfect reliance) to enable him to take such measures, and to make such augmentation of his forces, as may be eventually necessary for this purpose."

Such was the vigorous line of conduct pursued by Mr. Pitt; and to satisfy those hon. Gentlemen who might be disposed to cavil at the proceeding because it emanated from a Tory, he (Lord Dudley Stuart) would add that the address of the House in answer to the King's message, and declaring the determination of the House "to afford his Majesty the most zealous and effectual support in such measures as may become requisite for maintaining the dignity of his Majesty's Crown, and the essential interests of his Majesty's dominions," was seconded by Mr. Grenville, and warmly supported by Mr. Fox, Mr. Burke, and Mr. Grey; and when Mr. Fox moved for an account of the amount and value of the trade to Nootka Sound, Mr. Pitt suggested the withdrawal of the motion, declaring that the real question was, not the value of the trade to Nootka Sound, but an insult offered to the British flag; and Mr. Fox, concurring in this view of the question, withdrew his motion. The pretension of Russia now brought forward, was not a new one. It was not the first time that that power had outraged and insulted us, by stopping our vessels in the Black Sea. Not more than two years ago had a vessel, the Charles Spencer, belonging to a British subject, been seized by Russia in the Black Sea, under circumstances equally objectionable with those in the present case. How much longer, he would ask, did the noble Lord propose to allow Russia thus to insult Great Britain, and thus to injure British commerce? In his opinion, nothing effectual would be done towards putting an end to these outrages till a British fleet was posted in the Black Sea. What was the use of increasing our naval force, what the use of our navy at all, if not to protect our commerce? The noble Lord not only utterly neglected the grand principle in this as in every other matter, *principiis obsta*, but now, when an injury had been done, he took no steps for remedying it. For his part, he considered that unless the cure of the hurt we had here received was rapid and radical, the consequences would be fatal to this country. In the year 1825, Russia set up another pretension against this country, in her claim to a part of the coast of America, and she set up the same claim against the United States, but the United States laughed at her pretensions, and we, by negotiations, also succeeded in asserting our right. This was accomplished through the exertions of Sir Stratford Canning, whose absence he greatly lamented, particularly as the cause was indisposition. We defeated the attempts of Russia then, and why should we not do the same now? Why should the flag of England be less respected now than at that time? We are not less able to assert our rights now than we were then. Accounts had been received in town that day that the Vixen had been condemned, and that in the most revolting way to this country. The British flag was hoisted, then hauled down, and the Russian flag hoisted in its stead; and the captain and crew were sent, not to London, but to Constantinople. In fact, everything had been done that could humble and insult this country. He complained of the noble Lord for the course he had pursued. The noble Lord was degrading England by holding her out in the character of a bully—haughty and tyrannical to the weak, humble and abject to the strong. How, he asked, had the county acted under the present Government? He thought, not in the most creditable manner. Let them look to the different manner upon different occasions in which it had afforded protection to

British subjects. In Turkey, which was a weak power, they found a British subject, who certainly was not quite free from guilt. Mr. Churchill, the person referred to, had, in Constantinople, been punished in a way that was not right. Immediately a complaint was made, and redress insisted upon. Why? Because Turkey was a weak power. On that account the Government insisted upon redress; and it was required that the Reis Effendi should be dismissed. Would the English Government demand the dismissal of Nesselrode—would they demand the punishment of the commander of the man-of-war by whom the Vixen had been seized? No; the persons concerned in that outrage were rewarded with decorations; they received marks of honour because they had insulted this country. This country, too, had shewn its vigour in sending a fleet to Carthagena; but with Russia they were humble, they were crouching, they were vacillating, and there was a consultation of law-officers of the Crown; there was doubt and there was hesitation as to the course to be pursued, and, in the meantime, the merchants were sacrificed, and the flag was insulted. He thought it would have been much better if the noble Lord had granted the motion. The noble Lord could not say that negotiations were still pending. They all knew that it was no such thing. They knew, too, the pretension of Russia to stop the right of entrance to the Danube. When his noble Friend was so vigorous with an inferior state, why not make Russia desist from pretensions by which English commerce suffered greatly? The pretensions of Russia in this respect were, in his opinion, another instance of the manner in which the commercial interests of England were sacrificed, and this, too, from the fear of offending a country which was falsely supposed to be strong, but which, in his opinion, was no more able to oppose England than the small state which had submitted the instant her vessels of war made their appearance off its ports. He wanted to know whether or not they recognised the treaty of Adrianople. He believed that the Duke of Wellington did not recognise that treaty. In conclusion, the noble Lord said, that he thought the noble Lord, the Secretary for Foreign Affairs, ought not to refuse granting the papers sought for although he was ready to admit, he might do so if he thought proper.

Mr. *Cressett Pelham* did not think the observations of the last speaker either apposite or useful. They were likely to do harm. Mr. Pulteney had succeeded by his speeches in turning out a political opponent, and then he involved the country in a bloody and protracted war.

Navy Estimates.] The House went into Committee of supply.

Mr. C. Wood then moved, that 33,700 seamen and marines should be ordered for the service of the ensuing year.

Mr. *Hume* said, he should like to have some indication of the necessity that existed for so large a force. He wished also to know, why it had been thought necessary to send six ships of the line to Portugal.

Mr. *C. Wood* said, that with regard to the ships sent to Portugal, they were sent there in the fear that disturbances might occur affecting the property and perhaps the lives of British subjects, and, if necessary, to protect the embarkation of the Queen of that country. They were especially instructed not to interfere politically, and he believed the circumstance had had a great effect in preventing the effusion of blood. With respect to the necessity that existed for so large a force, he would only observe that other maritime powers were maintaining a large force, and he agreed with the hon. Member for Bath that the best way of preserving peace was to be prepared for war.

Captain *Boldero* wished to know under what head the marines who were serving in Spain were included—whether among those in service on land, or afloat. When he had voted the number of marines last year he little thought they would have been engaged as they had been.

Mr. *Wood* replied, that both were included under the same head.

Mr. *Maclean* said, if they did not serve in or near their vessels,—if they were carried into the interior of the country, as now in Spain—if, in fact, they acted not as marines but as infantry, he should like to know if the widows of officers who might be killed would be entitled to pensions. With regard to Portugal, was it for the purpose of protecting British lives and property, and securing the embarkation of the Queen, that the marines were landed, or was it not rather with the intention of supporting a political party?

Mr. *C. Wood* said, he had before stated what the real object was of sending the six British ships up the Tagus, and of landing the marines. Whatever the hon. Member might have read to the contrary in some journals the object was as he stated it, and the force had strict orders not to interfere. They were landed only to protect the embarkation of the Queen, if it should be found necessary.

Mr. *Buller* said, however the case might be with respect to the marines landed in Portugal, those marines in other places killed people without going to war. He did not wish to see their maritime force reduced now, but that force ought not to be a mere sinecure. It would seem as if the noble Lord (Lord Palmerston) preferred settling the differences of the country rather by lawyers and ambassadors than by a navy. He recollected that when the present Ministers sat upon the other side of the House they were very stringent upon the employment of a force of 10,000 men in Portugal to protect the Government of that period. That pretence was laughed at by the present Ministers. In the present case there was a conspiracy, the Queen herself being the chief conspirator, and 600 British marines were landed to protect her. The case was about the same as if a French squadron came up the Thames, and a force of French marines was landed, while the King was proceeding to seize upon the opposition Members in that House. He was glad to see, however, that the noble Lord, however slow and inactive he might appear as regarded great and powerful States, had at last begun to vindicate the honour of the country vigorously as regarded New Grenada—and that already three sacks of flour had been seized in the port of Carthagena. When a weak State offended, then the majesty of the British empire was put forth, but when a powerful State gave cause for quarrel the noble Lord, had recourse to lawyers and negotiation.

Viscount *Palmerston* said, that few words were necessary in answer to so good-humoured and jocose a speech as that of the hon. and learned Gentleman's. He spoke not only as a senator, but in his professional character. He could assure him that impartial justice was exercised equally towards small as great states. After the force of 1828 was landed in Portugal a despotic Government was established. Was that an attempt made here? The marines upon the late occasion remained upon the water's edge, and when asked to go forward, the Admiral and the British Minister refused. They said no. We will not interfere. Settle your differences yourselves.

Mr. *Hume* insisted that the marines were landed to protect the Queen in case she could not succeed in overthrowing a popular Government, with the assurance that if she failed she should be protected. What did the people of Lisbon think of their conduct? Why it was ridiculed every night on the stage, in a piece in which Admiral Gage, Lord Howard de Walden—and the British marines, were represented running away, and the Portuguese thrusting them out. This was never the case before. The very landing of the marines was an interference. They had no right to protect any traitor. If a King or Queen became traitors to the people let them take the punishment they deserved.

Mr. *Warburton* concurred in the opinion of his hon. Friend that the landing of the marines was an interference. In India they had an agent at the tributary Courts to guide the operations of the Government, and to support it by a promise of military aid if necessary. Was not this interference; for, in fact, the fear of losing his life was the only protection the people had against a despot? He hoped another case like the late one in Portugal would not occur again.

Mr. *Borthwick* said, he had heard with as much delight the sentiments of the hon. Gentleman who spoke last as he did with surprise the answer of the noble Lord (Palmerston) to the speech of the Member for Liskeard, who spoke as he ever did, with good sense. For his part it mattered little to him, if the honour of the country and justice towards their allies were supported, whether that object was effected by their navy, or by lawyers and ambassadors. If the marines were not permitted to act in Portugal, why were they allowed to act in Spain? In both cases it might perhaps be non-political interference; but what were they to say to General Evans, who spoke of himself as representing the sentiments of the people of Westminster? What description of interference was this? What interference called upon the people of England to pay 500,000*l.* to support the cause of the Queen? Was it not the object to give stability to the cause of the

Queen, and to propagate certain political principles against the wishes of the people? He did not use unguarded words here. He spoke the language of Colonel Evans himself, who, in his letter to the electors of Westminster, said that, though he was not fighting the battle of liberal institutions at St. Stephen's, he was fighting it in Spain. What were those opinions, and what was the humanising philosophy he was spreading over Spain? Was that a liberal interference which stopped the mouths of the people, which permitted them no choice, and said, "We will sooner cut your throats than permit you to think for yourselves." The noble Lord (Palmerston) expressed his confidence last Session that the cause of Queen Isabella would be ultimately successful, and justified the Quadruple Treaty. He fully admitted that the spirit of the Quadruple Treaty ought to be adhered to, but still he was at liberty to question the wisdom and justice of entering into it. [*Oh! Oh!*] He should expect to hear more grave reasons advanced in support of the treaty than mere exclamations. If this treaty was put in force against one section of the Queen's subjects why not against another? If Don Carlos was a pretender, what were they who compelled the Queen to relinquish the Estatuto Real? What he (Mr. Borthwick) found fault with the present Government for was, not that they had done too much, but that they had not done enough in support of the Queen of Spain. What they had done had signally failed—for they had permitted her subjects to take from her, and by force, the Constitution she had sworn to support, and by which she sat on the throne. He objected that his Majesty's Ministers should require the people of England to vote a sum of money for the purpose of supporting a system which was not only opposed to the national interest and policy but which would be ultimately more prejudicial to Europe at large, and perhaps lead to more disastrous consequences than the state of things which produced the late war. He believed the consequence would be that the result of sanctioning such institutions as were now rife in Spain would be, either a state of anarchy or the establishment of military despotism in every country in Europe. He could not, however, take the sense of the House upon a vote which it would be inconsistent with the satisfactory operation of the public business to interrupt. All he would say was, let the army and navy be kept in an efficient state, but never let them appear under such circumstances and in such a form as could not fairly and reasonably be defended.

Sir *Henry Hardinge* agreed in many parts of the speech of the hon. Member for Evesham, but thought that upon the whole, considering the present state of Europe, the vote was necessary. If the country entered into a treaty, they were bound to adhere to it; but he certainly objected to the manner in which the marines were employed in Spain at present. But what he had risen for was to protest against the sentiments uttered by the hon. Member for Bridport. When that hon. Gentleman said, they ought not to interfere to save the life of a Sovereign when in danger, he would say, that that was a sentiment which (with all deference, and without any discourteous intention to the hon. Gentleman) involved what he could not but designate a ferocious principle—and he thought the only reasonable excuse that the Government offered for landing the troops on the occasion referred to was, that they thought it absolutely necessary for the protection and safety of the Queen. If such was their reason, they were fully justified; but if those troops had been landed in support of such democratic principles as those laid down by the hon. Member for Bridport the conduct of those at whose orders they were landed ought to be denounced in the strongest possible terms. He thought the noble Lord opposite ought really to rise, and fully satisfy the House upon the subject.

Viscount *Palmerston* said, he was called on to repeat what he had said more than once. It was distinctly one of the orders of the admiral who commanded the British fleet in the Tagus to afford the necessary protection to the Queen in case of danger. He was instructed to place himself in communication on the subject with his Majesty's minister on shore, who was more likely to be well-informed of the course of events; and it was to protect the person of the Queen from danger, which was considered imminent, that the troops were landed. They retired, however, the moment the danger ceased, much to the disappointment, he believed, of one party, who thought, that because they had landed they were about to interfere in the political question; but the moment the danger ceased they re-embarked, and left the two parties to decide their quarrel.

Mr. *Hume* begged to ask, whether any arrangements were made with the French court to co-operate against the liberties of Portugal? He wished to know whether the reports circulated in France were correct, which stated that there was an understanding between the French Government and the British minister, that they were ready to aid the Queen and her party in their conspiracy against the constitution which the Queen had sworn to defend. Did the hon. Gentlemen opposite mean to contend, that there was a distinction to be drawn between sovereigns and subjects as regarded a violation of the law—that if one were to be executed for treason, the other was to be allowed to escape.

Viscount *Palmerston* said, it was no part of the instructions, nor was it the intention with which the English fleet was sent to Lisbon, nor did he believe it was any part of the instructions to the French fleet, to co-operate to overturn the constitution in Portugal; and the best proof that the case was as he had stated, was afforded by the fact, that though the forces were certainly strong enough to exercise a decided influence on this question, it exercised no such influence, and the two parties were allowed to settle their own differences.

Vote agreed to, as were several other votes.

Army Estimates.] Viscount *Howick* would not detain the Committee for any time, but as it was necessary to take a vote for the number of men in the army for the ensuing year, before the Mutiny Act could be passed, he trusted no opposition would be made to it. So much discussion had taken place on Mondays and Fridays, that he had not had an opportunity of bringing the Army Estimate forward at an earlier period, and unless the vote was agreed to that night, it would be hardly possible to get the Mutiny Act passed before the Easter holidays. He should, therefore, move a vote for 81,311 men for the year 1837.

Mr. *Hume* said, that it was his intention to move a reduction of this number, which was considerably greater than it was fifteen years ago, but he would take the discussion on another stage.

Mr. *Goulburn* protested against this mode of dealing with the army estimates. He did not mean to oppose the motion of the noble Lord, but he must be allowed to say, that the Government were not justified in bringing the estimates forward in this way, without explanation. They had had time enough for the purpose if they had thought fit to avail themselves of it, as the House had sat since the beginning of February.

Viscount *Howick* said, the right hon. Gentleman ought to remember the Ministers were at the mercy of other Members, and when motions were made on supply days the Government business could not be brought on.

Vote agreed to.—House resumed.

HOUSE OF LORDS,

Saturday, March 18, 1837.

Minutes.] Bills. Read a first time:—Transfer of Aids; Royal Mint.

Petitions presented. By Lord Redesdale, from Banstead, against the Abolition of Church-rates.

HOUSE OF COMMONS,

Saturday, March 18, 1837.

Minutes.] Bills. Read a third time:—Transfer of Aids.

Petitions presented. By Mr. Wallace, from Kilmarnock, against the Introduction of Poor-laws (Ireland); and from Dunbarton, Renfrew, and St. Mary, Youghal, for Municipal Corporations (Ireland); and from Renfrew, for Repeal of Duty on Fire Insurances.—By Mr. Hogg, from Beverley, for Repeal of Duty on Soap.—By Sir Charles Burrell, from Shipley and Dalston, for Amendment of Poor-law Act.—By Captain Pechell, from the Medical Profession of Bedford, against the system of providing Medical Attendance on the Poor by Tender.—By Mr. Brotherton, from Stockport and Balmerino, for the Repeal of Corn-laws.—By Mr. E. J. Stanley, from various places, for Repeal of Duty on Cotton Wool.—By Mr. George Phillips and other Hon. Members, from Kidderminster, and other places, for the Abolition of Church-rates.—By Sir George Sinclair and other Hon. Members, from several places, against the Abolition of Church-rates.

HOUSE OF LORDS,

Monday, March 20, 1837.

Minutes.] Bills. Passed:—Wills.

Petitions presented. By a great number of Noble Lords, from various places, against the Abolition of Church-rates. —By Lords Strafford, Holland, Montford, and Brougham, from various places, for the Abolition of Church-rates.—By the Earl of Radnor, from Richmond, Yorkshire, for Vote by Ballot.

Education (Ireland).—Explanation.] The Bishop of *Exeter* presented two petitions, one from the clergy of the diocese of Dromore, the other from the clergy of the diocese of Clogher, against the national system of Education in Ireland. He should take that opportunity to advert to a statement made on a former evening by a noble and learned Lord whom he then saw in his place. The statement made by the noble and learned Lord was this:—

"With respect to the forgeries that had been mentioned, that had been fully contradicted. It so occurred that one of the party was a neighbourof his, of the name of Morrison, and the other, a gentleman of the name of Cockburn, whose names were said to be subscribed to a document, but without their knowledge or consent. But what was the fact? The Commissioners had ascertained that Mr. Morrison not only had given authority for his name being signed, but when the document was shown to him, he said that his name was in his own handwriting; he recollected having signed it, and also that of his son, by his authority."

The right rev. Prelate then read a sentence from a letter of Mr. Morrison, setting forth that this statement was utterly contrary to the fact, and was destitute of all justification in fact.

Lord *Plunkett* said, he had no personal knowledge of the subject, and all he had stated was the fact as he had been informed, as it appeared before the Commissioners, and which he believed to be true. He had been assured that both the names of Mr. Morrison and his son were in the same handwriting.

Petitions laid on the table.

SEE OF BANGOR.] The Bishop of *Bangor* rose, pursuant to notice, to present a petition from the clergy of the county of Anglesea, as to the disposal of the tithes now possessed by the Bishop, in the event of the union of the sees of Bangor and St. Asaph. In introducing the subject, it would be necessary for him to notice what had occurred in the last Session of Parliament with reference to it, as well as other topics. On the part of himself and the petitioners he disclaimed any undue influence in bringing the question forward. The petitioners rejoiced in every attempt that was made with a view to the improvement of the Established Church; they were most anxious that it should be rendered as efficient as possible in that part of the empire; and they were desirous to see the number and usefulness of the parochial clergy increased. They therefore regretted to find their hopes and wishes in these respects disappointed, as they had been informed that it was the intention of the Ecclesiastical Commissioners to appropriate the revenues that might be derived from an union of the sees to other purposes. In the month of March, 1835, a Report from the Ecclesiastical Commissioners had been laid on the table, by command of his Majesty, in which they recommended that the dioceses of St. Asaph and Bangor should be united in one see. That proposition was received with universal dissatisfaction throughout the dioceses. The clergy could not see why two ancient dioceses, which had existed in a separate form long before Wales became a part of England, should be united. They saw no reason why those sees should be joined together. They felt that it would inflict an injury on themselves, and that it would be a great inconvenience to the inhabitants. On these accounts the recommendation of the Commissioners created much dissatisfaction. There was, however, another paragraph in that Report, which in some measure reconciled them to the proposition. The revenues with which the sees were endowed were of a peculiar nature. They arose chiefly from tithes; and the Commissioners said, that one advantage which would arise from the union of the dioceses was, that it would afford funds for the augmentation of the poorer vicarages. But for that promise the clergy would have protested as one man against the proposition; but the consequence was, that, with very few exceptions, they were silent on the occasion. But now it appeared that the Commissioners intended to take a different course. Without assigning any reason for the conduct they were pursuing, without any communication with those who were immediately interested, and without an accurate knowledge of the revenue which was about to be disposed of, they came to the determination that those tithes should be appropriated to other purposes than the augmentation of poor vicarages. They had proceeded in a somewhat extraordinary manner, and determined that the surplus of revenues, after providing for the united see, should form part of a common fund to endow the two new sees. Now, he supposed it was in the power of the Commissioners, looking at the peculiar nature of these funds, to return to their former recommendation, and he hoped that they would do so. He thought it would be most extraordinary if the Commissioners made this important change without announcing their intention to his rev. friends and himself; and, therefore, he applied to those who had more knowledge on the subject than he had. By them he was informed, that the Commissioners had certainly come to this determination. He then wrote to the secretary of the commission, and inquired whether the decision of the Commissioners was final; and by him he was informed that it was final. It did, however, appear to him to be a matter that demanded reconsideration. On these grounds he begged to express his concurrence in the prayer of the petition—namely, that their Lordships would adopt such a measure as would prevent the application of the surplus tithes to any other purposes than those originally contemplated by the Ecclesiastical Commissioners.

The Archbishop of *Canterbury* observed, that it would have been better if his right rev. Friend had communicated with the Commissioners before he brought this subject under the notice of Parliament. He thought that the Commissioners did not deserve the blame attempted to be cast upon them, for they had taken all possible pains to render their inquiries useful, to extend them as much as possible, and to verify their results.

The Bishop of *Bangor* said, in reply to the most rev. Prelate who spoke last, that he had not applied to the Commissioners, for he felt unwilling to intrude upon them further than he had already done.

Petition laid on the table.

* * *

HOUSE OF COMMONS,

Monday, March 20, 1837.

Minutes.] Petitions presented. By Mr. M. J. O'Connell and several other Hon. Members, from various places, for Municipal Corporations (Ireland) Bill.—By Mr. Hamilton, from Dublin, against the said Bill.

The Factories Act.] Lord *John Russell* said, that before moving the Order of the Day, he was desirous to say a few words on the subject of a motion of which the noble Lord opposite (Ashley) had given notice for this evening, relative to the operation of the Factories Act. From the terms of the noble Lord's notice, he presumed that he alluded to certain regulations which had been established by Mr. Horner, one of the factory inspectors. About the end of January last, a complaint with reference to the operation of those regulations had reached him, and it then appeared to him to be a matter of much doubt whether these regulations were in conformity with the Act. The matter had been accordingly referred to the law officers of the Crown, who agreed in opinion that the regulation which related to the judging of the age of children from their strength and appearance only, without referring to any other evidence which might be given of their actual age, was not in conformity with the spirit of the Act. On receiving this opinion, he had immediately issued instructions to Mr. Horner, requiring him to conform to the opinion so expressed by the law officers of the Crown, and to act strictly in execution of the Act. He would only add, that when the Bill of last year was given up, he had issued directions, after consulting with his right hon. Friend, the President of the Board of Trade, that the present Act might be put strictly into execution; and if any error had occurred upon the part of any factory inspector, he could assure the House that it did not arise from any desire to shrink from the execution of the Act, or knowingly and willingly to put a wrong interpretation on its provisions. The regulation complained of had, he rather believed, arisen from the desire to avoid the fraud and imposition which were so easily put in practice. Under these circumstances, he hoped the noble Lord would not press the motion of which he had given notice.

Lord *Ashley* hoped the noble Lord would understand that it was not his intention, nor that of those with whom he had the honour to act, to make any personal charge against Mr. Horner, or the other Factory Commissioners. They had thought it their duty, however, to question that gentleman's acts. After the explanation which the noble Lord had given, he would not press his motion.

Mr. *Hindley* expressed a hope that the Attorney-General would state to the House upon what grounds he had arrived at the conclusion that the regulation adopted by Mr. Horner, for ascertaining the age of children, was illegal.

The *Attorney-General* said, the House must perceive that he could not be prepared to state his opinion upon an important question, the details of which were not a little complicated, in the off-hand manner which his hon. Friend required. He could, however, state, in confirmation of what had fallen from his noble Friend near him, that upon the matter having been referred to him for consideration, he had taken the utmost pains to inform himself upon the subject, and had stated to the noble Lord the grounds upon which he proceeded.

Subject dropped.

ARCHBISHOP SHARPE — EXPLANATION.] The *Attorney-General* on the Order of the Day being moved, begged to call the attention of the House to a passage in the speech delivered by the hon. and gallant Gentleman, the Member for Scarborough, when the Irish Corporations Bill was last before the House. The hon. and gallant Gentleman had then alluded to a speech delivered by him three years' since, in which it was imagined that he had expressed himself in approbation of the assassination of Archbishop Sharpe. Now he would say with reference to that assassination, that he had always looked upon it as a most atrocious and cowardly murder. He had spoken of it, in the speech referred to, merely as an illustration of the state of public feeling in Scotland during the reign of Charles 2d. He had ever reprobated the act of assassinating that helpless old man and must disclaim having ever expressed any approval of that Act.

MASTER OF THE ROLLS (IRELAND).] On the Order of the Day being again moved, for the House to go into a Committee on the Corporations (Ireland) Bill. Mr. *O'Connell* said, that he had a motion to bring forward respecting a subject which arose out of circumstances connected with this Bill, in which was involved the character of one of the highest judicial functionaries in Ireland. He alluded to the present Master of the Rolls, and late Attorney-General. His motion had reference to the statements in a speech which was published in the newspapers, from the manuscript of the hon. and learned Member for Belfast. The speech to which he alluded was delivered on the occasion of the last debate upon the Municipal Corporations (Ireland) Bill. His intention was to submit to the House a motion for a return of the proceedings against a man named M'Carron, who was three times tried at Monaghan on an alleged charge of murder. He would also move for a return of the indictments preferred against him, the names of the judges who presided at each trial, the number of jurors set aside by the Crown on each occasion, and the names of the learned gentleman who at each period filled the office of Attorney-General in Ireland. He would not stop to inquire how much of the speech to which he referred was spoken in that House, but it was therein stated, that the rule introduced by the late Attorney-General (O'Loghlin) had been productive of the very worst consequences; and the case of M'Carron was instanced to show the impropriety of adopting the regulation of dispensing with the right of the Crown to set aside jurors. The hon. and learned Member for Belfast had stated that the baneful effects of this rule were visible in the case of M'Carron, as well as in that of a man named Carter, which had been referred to by the hon. and learned Gentleman the Member for Bandon. To the latter case he would call the attention of the House immediately after Easter. With reference to M'Carron's case, the hon. Member for Belfast said, that he spoke from authentic details, which he held in his hand. Now, he could fearlessly state, that the three trials in which M'Carron was concerned, had taken place before Mr. O'Loghlin was appointed to the office of Attorney-General for Ireland. The last of the three trials had taken place five months before Mr. O'Loghlin was appointed, and eleven months before the regulation complained of with reference to jurors had been made. The first trial took place during the Spring Assizes of 1834, the second during the summer of the same year, and the third and last in the spring of 1835. Upon all these occasions Mr. Blackburne was Attorney-General, and during the last trial Lord Haddington was Viceroy in Ireland. He wished for returns of the particulars of all these trials, in all of which (without any exception) the Roman Catholic jurors had been set aside. So much for the truth of the charge which had been preferred by the hon. and learned Gentleman, the Member for Belfast. He (Mr. O'Connell) was authorised to deny most positively that there was any truth in the allegation that Mr. O'Loghlin had made any regulation by which murderers were allowed to escape. He had made a rule that no one should be set aside as a juror, unless good cause were shown for doing so; the consequence of which was, that now no man was set aside on account of his politics or religion. He (Mr. O'Connell) was furnished with dates to prove that the last of the three trials had taken place five months before Mr. O'Loghlin's appointment to office, and that they had all taken place when Mr. Blackburne was Attorney-General, and, moreover, that in each of them the Roman Catholic jurors had been set aside.

Mr. *Emerson Tennent* said, it was not to be supposed, in alluding to circumstances which had occurred in another county, with which he was unconnected, and of which he had no personal recognizance, that he had spoken otherwise than on information derived from others, but on the accuracy of which he had every reason to rely; and he regretted that the short notice which the hon. and learned Member for Kilkenny had given him on Saturday last, of his intention to bring this matter before the House this day, rendered it impossible for him to communicate with those parties from whom he had received his previous information. The House would remember that he had alluded to this case on a former occasion, not merely for the purpose of exhibiting the prejudicial effects of the order against setting aside jurors, but as tending to show the abuse of the powers vested in the Irish Executive, by their indiscriminate exercise of those prerogatives of the Crown, which should always be applied sparingly and with prudence. He had likewise introduced the case of M'Carron, because it was one which had excited the utmost alarm throughout the north of Ireland, not merely from the savage deliberation of the murderer, but as exhibiting the almost impossibility which existed in Ireland, from the confederated feelings of the Roman Catholics, of apprehending or bringing to justice those criminals who had committed outrages on Protestants. The circumstances were briefly these :—A Protestant whose name he had forgotten, ventured to take a farm out of which a Roman Catholic tenant had recently been ejected for non-payment of rent. Shortly after he was assaulted and most barbarously beaten by this M'Carron and two other confederates. Being of a peaceful disposition and hoping, as he stated, that a display of kindness and forgiveness on his part might induce a correspondent feeling on that of his neighbours, he forbore to prosecute, and pardoned his assailants. The farm which he had taken was at some distance from another which he continued to occupy, and on which he resided, coming daily a distance of a mile or two to cultivate the new tenement, on which occasions his wife attended to keep him company and dress his meat at a neighbouring cottage fire. On the day of the murder, which took place in the middle of a summer-day, in July or August, the poor fellow was quietly mowing in his meadow, and his wife seated beside him, when a little child was sent to her to say she was wanted in a cottage hard by. She went, and whilst in the House she heard cries proceeding from the direction of the meadow. She jumped up, and from the door or near it she saw three men murdering her husband. She flew back to the House, and implored the inmates to return with her to his rescue, which they refused, and advised her to hide herself as she would be murdered likewise. Instead of this she again rushed out towards the field, when she saw the three murderers coming towards her down a narrow lane. With singular determination and presence of mind she performed one of those acts of which women in such awful circumstances seem occasionally capable. She threw herself behind the ditch, and applying her eyes to an opening in the fence, she lay breathless, and, as the three assassins passed close beside her, still chafed and excited with their recent slaughter, she marked deliberately the countenance and features of each with so much precision, that she was able at the trial to lay the wand on the head of each man as he stood at the bar. This scene took place within a short distance of a turf bog, in which some hundreds of persons were at the moment at work, within sight and within hearing of the cries of the murdered man—the three murderers had actually passed through this crowd of persons on their way to the meadow, and some of them were actually produced at the trial on behalf of the prisoners, to swear that they were not the criminals although, as the judge stated in his charge, they admitted that not one human being moved to the rescue of the victim. If he remembered aright, they even refused to assist the unfortunate wife in raising and removing the still breathing body of her husband. He did not die till sunset, and had still sufficient strength left to state that the men who murdered him were the same three whom he had before forgiven for assaulting him. The circumstances, as he had here stated them, were all proved upon the three trials which took place. On the first of these, he believed that jurors had been set aside by the Crown, and the consequence was, that eleven of the jury were for a conviction, and one only obstinately refused to join in the verdict. A second and a third trial took place, with a similar result, and the charges which he had brought against the Government were—first, that they had not removed the case, as it was in their power to do, into a different court, where they would have been certain of a verdict, either of guilt or acquittal; and secondly, that having induced the prisoners to plead guilty to the minor offence of manslaughter, having already thrice established an *alibi* at a fair, they then discharged them as innocent persons, and permitted them to emigrate to America. Thus, in a country exasperated by party feeling, and amidst a community so brutified, that some hundreds of persons looked calmly on at a savage murder—a community, above all others, requiring some example to be made within it—three men, whom the popular opinion set down unhesitatingly as homicides, and whom crowds of witnesses knew to be murderers, whom three successive juries had refused to pronounce innocent, were, by the act of the Irish Government, virtually pronounced to be guiltless, and permitted to retire as settlers to the colonies. What must be the result in practice from the establishment of such a principle as this, but that if one man could be smuggled on a jury who would pertinaciously differ from his colleagues, justice must be derided, and crime set at liberty unpunished. As to the dates of the three trials, as stated by the hon. and learned Member for Kilkenny, he was not prepared, from the reasons he had before stated, either to contradict or to argue on their correctness till the return should be made for which the hon. Member had moved. But since he had last mentioned this subject in the House, two circumstances had come to his knowledge connected with the case, which he was anxious that the hon. and learned Member should embody in his motion. One was the fact, that the solicitor for the prisoners on the three trials was a gentleman of high respectability, he believed, in his profession (Mr. O'Reilly), who was employed in a confidential situation by the Government as solicitor to the Corporation inquiry; and the other, which he confessed he could scarcely credit was, that M'Carron and his conspirators were not only liberated by the Lord-Lieutenant as he had stated, but had actually received a sum of money out of the public treasury to pay their passage, and establish themselves in America. He trusted the hon. Member would not, therefore, object to add, to the return for which he had moved, the names of the counsel and solicitors who had acted for the prisoners on their several trials, and the sum or sums of money which each had received on the occasion of his departure for America. As to Mr. O'Loghlin, whom it seemed to be the chief object of the hon. and learned Member for Kilkenny to defend, he had no disposition whatsoever to attack him. It was the system and not the individual which he found fault with. Whether he or Mr. Perrin were the Attorney-General on the occasion of these trials, when jurors were not set aside, the case was equally sustained, which he wished to make against the impolicy of the rule, and the improper and injudicious clemency of the Government.

Mr. *O'Connell* said, what when the hon. Member had brought forward charges he should have been prepared to sustain them. It was evident he was unable to do so, and he had not now even attempted to say he could.

Mr. *Tennent* said, he was prepared with all the details, but that at present he could not supply the dates.

Lord *Morpeth* expressed a wish, that the hon. and learned Gentleman, Mr. O'Connell, would withdraw his motion, for the purpose of allowing the House to go into Committee on the Bill. He could again bring it forward towards the end of the evening, or on some future occasion. He would take the opportunity of saying, that other accusations against his right hon. friend, Mr. O'Loghlin, which had found their way from the Committee on fictitious votes to the *Ulster Times* newspaper, were also most unfounded.

Motion withdrawn.

The House resolved itself into a Committee on the

MUNICIPAL CORPORATION (IRELAND) BILL.] The clauses from the commencement to the 96th Clause were agreed to with only verbal alterations causing no debate but some conversation.

On Clause 96,

Mr. *Sharman Crawford* said, he rose

for the purpose of moving an amendment for the purpose of assimilating the clause to the practice established in England in towns of a similar class to those named in the clause, and in so doing he was only restoring the clause of the Bill of 1835. He regretted that his Majesty's Ministers had in the present Bill altered that clause so as to give to the Lord-Lieutenant the power of selecting from or totally rejecting the choice of the town-councils. He should propose that the nomination of sheriffs should be vested absolutely in the town-councils. Did his Majesty's Ministers doubt the propriety of intrusting the Irish people with the control and election of their own officers? Or was it done for the purpose of conciliating the party opposite? If it were done for the latter purpose, he would respectfully represent to his Majesty's Ministers that in the progress of the respective measures that had been introduced on this subject many alterations had already been made for that purpose, and with no effect. The present Bill contained as many as twenty towns less than the one first introduced. He should not have so great an objection to the power this clause would give the Lord-Lieutenant if it were always to be exercised by a Government like the present, but he objected to putting that power in the hands of a Government hostile to the Irish people. The hon. Member concluded by moving an amendment, to the effect that the councils of all corporate towns in Ireland should have the absolute power of electing their own sheriffs.

Lord *John Russell* said, he gave full credit to the motives that had induced the hon. Member to propose his amendment; but he could not think it was advisable to follow every particular enactment of the English Municipal Bill. If the hon. Gentleman were of a different opinion he could have objected to the modes of electing aldermen which was different in the two bills. He (Lord J. Russell) did not think that dissimilarity any fair ground of objection, and if he had again to bring forward the English Bill he would introduce a similar clause. On the whole he thought it necessary that the Crown should have some power, at least a negative one, in the appointment of officers so closely connected with the administration of justice.

Mr. *Shaw* did not think that the noble Lord had given any reason for the alteration, and he was surprised that the noble Lord had made so great an alteration in the Bill without being able to assign a better reason for doing so. He thought that either one or other of the propositions should be adopted—either to vest the power in the Lord-Lieutenant or in the town-councils; although, if the present amendment were pressed to a division, which he doubted not it would be, he should not vote for it.

Lord *John Russell* had said, that he thought the present clause better than the one in the English Bill. Although he would by no means say that the town-councils would not elect the persons best fitted for the office of sheriff, he nevertheless thought they would be more likely to do so if they knew that their choice would be submitted to the Lord-Lieutenant.

Mr. *French* said, that if the clause stood alone, he would support the proposition of the hon. Member for Dundalk. He, however, thought the statement of the noble Lord satisfactory, and he hoped the hon. Member would consent to withdraw his amendment.

The *Chancellor of the Exchequer* said, that the great object of the clause was, to secure to the country the efficient administration of justice by officers who should not be the subjects of popular election, but appointed by the Crown. If the plan which had been adopted in England and Scotland were a good one, it would still be a question whether or not it would be advisable to extend it to Ireland—there was certainly no part of the empire in which the exercise of any of the functions of the law was more important. He thought that responsibility should be attached to the recommendation and appointment of sheriffs, and that the clause secured that principle. There was one consideration that might have some weight with the right hon. Gentleman opposite, which was, that this principle was by no means a novel one. In many towns the recorder was popularly elected, subject only to the approbation of the Lord-Lieutenant, and as only one individual was sent up that control was inoperative.

The Committee divided on the original clause:—Ayes 65; Noes 5: Majority 60.

List of the AYES.

Adam, Admiral
Aglionby, H. A.
Angerstein, John
Baines, E.
Ball, N.
Baring, F. T.

Bellew, R. M.
Bentinck, Lord W.
Blunt, Sir C.
Brocklehurst, J.
Brotherton, J.
Callaghan, D.
Campbell, Sir J.
Chalmers, P.
Clive, Edward Bolton
Colborne, N. W. R.
Cole, A. H.
Dalmeny, Lord
Evans, G.
Fitzroy, Lord C.
Folkes, Sir W.
Forster, Charles S.
French, F.
Gordon, R.
Grattan, J.
Grey, Sir G.
Hay, Sir And. Leith
Hobhouse, rt. hon. Sir J.
Hutt, Wm.
Jephson, C. D. O.
Lennox, Lord George
Leveson, Lord
Macnamara, Major
Milton, Viscount
Morpeth, Lord
O'Connell, M. J.
O'Connell, Morgan
Parker, John
Pease, J.
Pechell, Capt.
Philips, Mark
Price, Sir R.
Rice, rt. hon. T. S.
Richards, J.
Roche, W.
Rolfe, Sir R.
Russell, Lord J.
Russell, Lord
Scarlett, hon. R.
Seymour, Lord
Smith, R. V.
Smith, B.
Stuart, V.
Talbot, C. R. M.
Thorneley, T.
Townley, R. G.
Troubridge, Sir E. T.
Turner, W.
Verney, Sir H., Bart.
Warburton, H.
Wilson, H.
Woulfe, Sergeant
Wrightson, W. B.
Wyse, T.
Young, G. F.

TELLERS.

O'Ferrall, R. M.
Stanley, E. J.

List of the NOES.

Blake, M. J.
Bridgman, H.
Hindley, C.
O'Brien, C.
Ruthven, E.

TELLERS.

Crawford, S.
Butler, hon. P.

The remainder of the clause was agreed to, and the House resumed.

HOUSE OF LORDS,

Tuesday, March 21, 1837.

MINUTES.] Bills. Read a third time:—Transfer of Aids. —Read a second time:—Royal Mint.

Petitions presented. By the Marquesses of BUTE, DOWNSHIRE, the Earls of SHAFTESBURY, FALMOUTH, HARDWICKE, Lords WHARNCLIFFE, REDESDALE, the Archbishop of CANTERBURY, the Bishops of LONDON, BANGOR, EXETER, and RIPON, from Cardiff, Newport, Monmouth, and various other places, against the Abolition of Church-rates.—By Lord DACRE, Viscount MELBOURNE, and the Marquess of LANSDOWNE, from various places, for the Abolition of Church-rates.—By Lord BROUGHAM, from Wheatley, Oxfordshire, in which the Petitioners express their indignation at the means resorted to by persons opposed to the Abolition of Church-rates, to procure signatures.—By the Marquess of DOWNSHIRE, from Cumber, Down, stating particulars as to the ruinous, dilapidated, and dangerous state of the Church, and praying that it may be rebuilt.—By the Bishop of CHICHESTER, from Chichester, against granting any further power to the Poor-law Commissioners.

CHURCH-RATES.] The Bishop of *Llandaff*, in presenting petitions in favour of Church-rates, begged to repeat what he had stated on a former occasion, namely: that when petitions came before their Lordships for the redress of grievances, the lower those petitioners were in society, the humbler and the more helpless they were, the greater claim had they on their Lordships' attention. The petitions which he had to present were signed exclusively by rate-payers. This he regretted for the reason he had just stated; he wished that the poor inhabitants had been allowed to join with the rate-payers in signing these petitions. There was, however, a great distinction to be drawn between the petitions of rate-payers who prayed for the continuance of Church-rates, and the petitions of persons not rate-payers, who prayed for the abolition of Church-rates. It was a remarkable circumstance, that petitions against the abolition of Church-rates were pouring in daily from the rural parishes. In that district with which he was more intimately connected, he knew one county from every rural parish of which a petition had been sent in favour of the continuance of Church-rates, and in every other county of the same district, the rural parishes, with few exceptions, had drawn up similar petitions. He begged to remark, in answer to some observations that had been made in that House on a former evening, that great weight ought to be attached to these petitions from the rural parishes, not so much from the fact that they contained any great number of signatures, but that the whole number of the rate-payers of the parish had joined in the petition. Where there were only nineteen or twenty rate-payers in a parish, it followed that the proportion of the rate which each individual rate-payer would have to pay, would be much greater than where the rate-payers were much more numerous. The fewer was the number of the rate-payers, the greater was their interest to abolish the rate; so that when all the rate-payers of a parish petitioned the Legislature not to agree to any measure which would relieve them from the payment of the rate, he thought that a much greater degree of weight ought to be attached to the prayer of such petitions. A great deal had been said upon the subject of the presentation of a petition by a noble and learned Lord (Lord Brougham), signed by 19,000 of the inhabitants of Birmingham, and praying for the abolition of Church-rates. Now, the more this grievance, as the petitioners called it, was diffused, the less would each individual have to pay, and consequently he was not disposed to attribute great importance to the circumstance of any great number of persons signing such a petition. If, therefore, the petition which had been presented by the noble and learned Lord, had been signed by 90,000 persons instead of 19,000, he should not have been inclined to attach more weight to it, inasmuch as, from the extensive diffusion of the rate, each individual was much less interested in its abolition. He did not consider that the number of signatures added much to the importance of such petitions.

Lord *Brougham* said, that the right rev. Prelate seemed to have entirely mistaken what he stated the other night, in reference to uneducated persons being less fit to give opinions upon abstract questions of state policy than educated persons. He (Lord Brougham) had never said one word on the subject; but in answer to an observation from the right rev. Prelate, that uneducated persons were not the fittest persons to give opinions upon such questions, he had said that the very last petition which he had looked at, presented on the right rev. Prelate's side of the question, did not appear to have been signed by very educated persons, inasmuch as they had not been able to write their own names, but signed their names as marksmen. What the right rev. Prelate contended for, therefore, was, that the signatures of 90,000 persons were less valuable than the signatures of 19,000. If a certain given sum were to be paid, and if it were to be spread over 90,000, of course each individual would feel it less than if it were confined to 19,000; but if the sum to be paid increased in proportion to the numbers by whom it was to be paid, then the amount of rates to be paid by each individual was the same in a large as in a small place.

The Bishop of *Llandaff* said, that the Church did not increase in that ratio. The Church did not grow, and he would contend that a distinction should be made between the petitioners on his side and those on the other. The opinions of those who paid rates were more valuable than those of non-payers, but it was only fair to establish the distinction, that the rate-payers who petitioned for the abolition of the rates were biassed by a pecuniary interest, and, therefore, this interest, *pro tanto*, detracted from the weight of their opinion, whilst the rate-payers who petitioned for the continuance of the rate, gave weight to their opinion by the fact, that, notwithstanding the weight of the burthen, they were willing to bear it.

Lord *Brougham* said, that, *pro tanto*, this of course had weight, but not more than it was worth.

Petitions laid on the Table.

HOUSE OF COMMONS,

Tuesday, March 21, 1837.

MINUTES.] Bills. Read a first time:—Wills; Bankrupts Estates; Bankruptcy and Sheriff's Courts (Scotland).

WESTERN RAILWAY.—PADDINGTON ESTATE.] Sir *T. Fremantle* presented a petition against the Great Western Railway Bill. Nothing could be more dangerous than where two railways crossed each other, as fatal consequences might ensue from two trains, proceeding with great rapidity, coming in contact. It was against this that the petition particularly prayed.

Mr. *Hall* begged to ask the hon. Member opposite, whether the sums of 23,000*l.* and 7,000*l.*, which were to be paid to the Bishop of London, were intended as compensation for the land to be occupied by the railway, and which he understood to be public property?

Mr. *Tooke* was in a situation to state, that the bishop was only a joint occupier in the land, and had only a one-third interest. He could assure the House, that the bishop had not received one shilling as fine or compensation—all the benefit he had derived was in common with the others, and merely as an increased rent.

Mr. *Thomas Duncombe* could not consider, that he was discharging his duty if he did not call the attention of the House to a circumstance which had taken place in the Committee on this Bill. In the observations he was about to make he begged the House distinctly to understand, that he had no connexion, either directly or indirectly, with the Company. On the contrary, he thought, that the extension of the line of this railway would be productive of great public good, and he hoped it would be attended with a proportionate advantage to the Company. The facts of what occurred before the Committee were, that four miles being proposed to be added to the Great Western Railway, coming up to Paddington, it would have to go through the Paddington estate belonging to the see of

London. To complete these four miles of railway several little cottages, besides those which had already been pulled down, would have to be removed, and on those cottages which held leases under the Bishop of London coming before the Committee for compensation, Mr. Harrison, on behalf of the Bishop, resisted their claim. He thought the petitioners ought to be heard. A discussion took place in the Committee upon the subject, and it was ultimately decided, that the petitioners should be heard, and that Mr. Austin should defend their claims to compensation. Upon this the promoters of the Bill and the Bishop of London instantly turned round, and said there was no necessity for the case of the petitioners being advocated, as the Bishop of London had a sufficient sum of money to give them adequate compensation. Upon this Mr. Austin withdrew his opposition. The engineer was then called, and asked what amount it would require to complete the line of four miles? He answered, about 250,000*l.*, and that 175,000*l.* of that would have to be appropriated for the purchase of land. He was then asked, what proportion of that amount the Bishop of London would receive in order to enable him to give adequate compensation to the cottagers? The learned counsel for the Bishop of London refused to answer that question, declaring that it was one that ought not to be put, for the agreement related to private property. Now, the question was, whether Church property was to be considered private or public property. Before the Committee he maintained, that the land in question was public property, and that therefore it did not come within the rule which had been stated by the counsel. An hon. Gentleman then jumped up and said, "I dispute your premises. Church property is not public property, and therefore you have no right to put the question to the Bishop." He then divided the Committee; they were six to two against him, and the question was not put. He now, therefore, contended, that the investigation before the Committee was crippled in a manner it ought not to have been. There was a sum of money to be paid to the Bishop for the land, to the great prejudice of the public; and he thought the conduct that had been pursued on the part of a great public functionary like the Bishop of London would have a very bad appearance with the House and the public. The hon. Member concluded by moving, that the Bill be re-committed, with an instruction to the Committee to inquire into the grounds on which the Bishop of London had agreed to dispose of the land to the Great Western Railway.

Mr. *Wason* seconded the motion.

Mr. *Hawes* imagined there never was such a reason given for opposing a private Bill as that which had been assigned by the hon. Member for Finsbury, and, to come to a decision on this question, the House would have to decide whether Church property was public property or not. The Bill was to be re-committed, in order that the hon. Member for Finsbury might put one single question. He (Mr. Hawes) begged to put in his disclaimer as to any interest, directly or indirectly, in this or any other railway, but he thought he should be able to show from the enacting clauses of the Bill itself that there was not the slightest foundation for opposing its further progress. It was provided that the 30,000*l.* should be appropriated in sums of 23,000*l.* and 7,000*l.* to the Bishop and trustees, and it was made lawful for the Bishop and trustees to receive the same only for discharging the mortgages or other liabilities affecting the land. He was as decided an advocate for the cottagers as the hon. Member for Finsbury, but it was admitted on all hands that they had no legal claim to compensation, and therefore, he thought it better for them to raise up some equitable question, in order to procure for them some remuneration. The question of compensation, however, had nothing to do with the case; and he trusted the House would not stop the further progress of a measure which the hon. Gentleman who brought forward the motion for the re-commitment of the Bill, admitted to be of great public importance.

Mr. *Harvey* said, that his attention had been called to this subject, and the question was, would this House interfere to protect poor people who had not the means of protecting themselves?—It appeared by the deed which referred to the property in question, that the Bishop of London demised certain lands to the parties alluded to for a period of seven years, and it further appeared that the lessors were to give three months' notice to the lessees should they at any time require the land for building purposes. Now, laying aside the question whether Church property was public property, the question which the House had to consider was, is a railroad a house? The parties in question had consented to the three months' notice to leave their premises, if the land were required for building purposes. This was a voluntary contract, and they must be bound by it; but the land was now required for a railway, a circumstance which could not have been anticipated by any party, when the contract had been entered into. This being the case, the parties in question felt that they had a beneficial interest which ought to be protected, and that they ought not to be swept away without compensation. It was said that the sum of 7,000*l.* had been deposited with the Bishop of London wherewith to pay all just demands; but the petitioners were simple men, who entertained the vulgar notion that the Church grasped its possessions with peculiar tenacity, and that it might be no easy thing to get it out of the hands of a Bishop into their own pockets. They had heard of the word tithe, and they dreaded its application to themselves. It was idle to argue against these homely notions, and they ought to be respected. Indeed it was due to the rev. Father, to ease him of the burthen and trouble of the distribution, for it must be most painful to have his mind diverted from higher concerns.

Sir *Samuel Whalley* said, the parties were some of his constituents, and he hoped their rights would be protected, and that the House would express some decided opinion upon the subject.

Mr. *Pease* said, he had heard nothing to induce him to vote for the re-commitment of this Bill. It was well known that the value of a railroad would be considerably lessened if it were to be crossed by several other lines.

Motion negatived.

BATTLES IN SPAIN.] Mr. *Maclean* rose to ask those questions relative to Spain of which he had given notice on the previous evening, but not seeing the noble Lord, the Secretary for Foreign Affairs in his place, who, he was afraid, was absent from indisposition, he would take the liberty of putting them to his hon. Friend, the Secretary to the Admiralty. He wished to know if there was any truth in the accounts which had recently reached this country of a very sanguinary engagement having taken place on the northern coast of Spain, between the troops commanded by General Evans and those of Don Carlos. Those accounts proceeded to state that, after an engagement of considerable duration, General Evans, and the troops under his command, had retreated into the fortress of St. Sebastian, amidst considerable disorder, and with a considerable loss of life. The accounts went further, and stated—a point in which he, and in which he was sure, too, his hon. Friend felt deeply interested—that the retreat was covered by his Majesty's marines, and that Lord John Hay, and some captains of his Majesty's navy, had been present during the whole of the engagement. He (Mr. Maclean) was, therefore, anxious to know whether these accounts which had gained much credit both at home and abroad, were true or not. If true, he should like further to know if his Majesty's artillery and marine forces had suffered any, and what loss. If any accounts had reached his Majesty's Government, he hoped his hon. Friend would not object to state what they were.

Mr. *C. Wood* said, he was not aware the hon. Gentleman had given notice of these questions; however, he (Mr. Wood) could state that no accounts of any description had reached the Admiralty and he had no means whatever of judging whether the accounts alluded to by his hon. Friend were true or not.

Mr. *Grove Price* begged to know whether any body of British marines were employed in the field upon that occasion, whether they had fought under the British flag, and under the supreme command of General Evans?

Mr. *Wood* said, he had only the same answer to give to the hon. Member's question as he had already given, whatever might be the accounts of the newspapers.

Mr. *Maclean* observed, that perhaps his hon. Friend might have supposed he had asked him if any account had been received from General Evans, and he would now ask whether any had been received by telegraph from Paris.

Mr. *Wood* said, he was not aware that either the Admiralty or the Government had any telegraphic communication with Paris. As far as he knew, the last information which the Government had had was from a private-officer, who left Bayonne on the 8th.

Subject dropped.

MANUFACTURE OF FOREIGN CORN.] Mr. *Robinson* rose to move the Resolution of which he had given notice—namely, "that the laws which prohibit the manufacture of foreign grain, flour, and meal, in bond, for exportation, are injurious to the interests of British commerce and navigation, and unjust in restraining the free employment of capital and labour in the United Kingdom, whilst they afford direct encouragement and undue advantage to the foreigner in a valuable branch of trade, not only with other states, but with our own colonies, and that it is expedient to alter and amend the same." He would ask the right hon. Gentleman, the Secretary of the Board of Trade, upon what grounds he could oppose this resolution, for he (Mr. Robinson) was prepared to show that the right hon. Gentleman, in opposing it, would be acting directly at variance with the opinions he had ever professed. He believed that the opposition of the Government to his resolution arose from the same pressure which had prevented them from acceding to any alteration in the present Corn-laws—the pressure of the agricultural interests; but he contended, that whilst the farmers and landed proprietors of the country would suffer nothing by the adoption of his resolution, the trade and commerce, and shipping interests, would derive most important advantages from it. He hoped, therefore, that the right hon. Gentleman would oppose his motion upon distinct, tangible, and specific grounds, and not put him off as he had done last Session, by mere evasion. The right hon. Gentleman had asked him the other day why he did not bring in a Bill on the subject. Now, it was evident that he, a Member unconnected with either of the three parties, might as well abandon the subject altogether, as hope to pass a Bill through that House. By the law, as it at present stood, they might have warehouses full of bonded corn and flour, gradually deteriorating in condition, whilst there was an enormous demand for it in a manufactured state in the Brazils, the West Indies, British North America, and other of our colonies. By the present law, they were not to manufacture these articles in bond, and by that restriction it might be supposed that they were obliged to buy from their agricultural friends. Not at all; they did not buy a single pound of flour from them. This, then, was the complaint, and if the Government did not remove it, he conceived they would be guilty of a great dereliction of duty. If a merchant here had occasion to send a cargo of flour to Brazil, the West Indies, or any of our western colonies, he would be obliged first to send a vessel 300 or 400 miles eastward to Hamburg, Copenhagen, or Dantzic, to have it manufactured by foreigners, and pay agents in one of those places for doing what he himself might do at home if the present law did not exist. He was thus not only compelled to go some hundreds of miles out of his way, but put to considerable expense. He had himself at this moment several vessels endeavouring to make their way against an easterly wind into the Baltic, and which, had they set sail for America, when they left London for that sea, might now perhaps be on their way back. Let the Government moreover look to the quantity of labour, of business, to coopers for instance, and others, which, by the policy of the present law, was thrown into the hands of foreigners. It was by no means a trifling matter in point of amount. Owing to the failure of the crops in America last year, the additional trade in flour and meal to this country, were it not for the existing law, would have amounted to at least 1,000,000*l.*, besides the increase it would have given to various other branches of business. The case was so gross and so clear, that he could not think it necessary further to argue it. The proposition he made was most reasonable, and was not in his judgment calculated to injure the agriculturists; if so, however, it was competent for the House to provide means for the protection of that class of the community. The hon. Member concluded by moving the resolution as stated at the commencement of his speech.

Mr. *Hume* seconded the resolution with great satisfaction, because he felt that the restrictions of the present laws were injurious to all classes of people. He could not conceive why the Government did not itself come forward with a measure of the character and principle embodied in the resolution of his hon. Friend, the Member for Worcester.

Mr. *Poulett Thomson* said, that on consideration, he was sure the House would feel that the resolution proposed by the hon. Member for Worcester could not be passed with any advantage, but, on the contrary, would be productive of disadvantage to the country. His hon. Friend, the Member for Worcester, had certainly misled the House on many points, though he was the party who had most right to complain, because he was ready to do all that his hon. Friend wished, but he could not get anybody to support his views. He was very glad, however, to find that his hon. Friend stood forward as the advocate of the doctrines of free trade, especially after the abuse which had been lavished upon him, and after the charge that he had truckled to the agricultural interests. With regard, however, to the resolution proposed, he must say, in the first place, that it would be perfectly useless for the object which the hon. Member himself had in view. The resolution stated "that the laws which prohibit the manufacture of foreign grain, flour, and meal in bond, are injurious to the interests of British commerce and navigation." Now, there were no laws which so operated, save and except the Corn-laws; and the object of the hon. Member would be answered, not by the repeal of old laws, but by the introduction of a new law. The proposition was calculated to go beyond the object which the hon. Gentleman had in view, and yet not to effect that object. It would have the effect of repealing the Corn-laws, yet that would not necessarily allow the exportation of all foreign grain. The motion was a mischievous one, and there were many persons favourable to the object which the hon. Gentleman had in view, yet who would not consent to a repeal of the Corn-laws. The hon. Gentleman, as an excuse for not bringing in a Bill upon the subject, said he, as an individual Member, could not hope to do so with success, and that no Bill could hope to pass through the House which was not promoted by Government. The hon. Gentleman was bound, however, to show how the point he had in view was to be reached. He was not bound to bring in a Bill for the purpose of giving effect to the hon. Member's resolution—an effect which was unattainable. Two plans had been proposed last year for the purpose of effecting the object of the resolution, but those plans depended upon equivalents and calculations of exchanges which it would be utterly impossible to attempt to carry out without opening the door to serious frauds and inconveniences. When the subject was mooted last year, he proposed that a Bill founded on the principle of the Sugar-refining Duties Act, should be brought forward, and he pledged himself to give it—he would most willingly give it—his support. That proposition, however, had been refused, and yet the House had heard of the complaints made with respect to restrictions against the employment of capital after the means were rejected, by which alone capital could be employed in the manner proposed by the resolution. The proposition which he had made last Session was a fair one, and it was to be apprehended that those who were dissatisfied with that, wanted to obtain more than they would have it at first appear. If great results were to be expected from allowing foreign corn in bond to be ground for exportation, the way to get at them was, not to adopt the resolution of the hon. Gentleman, but to adopt a measure founded on the Bill to which he had before alluded. The House he was sure would not support a resolution which would not have the effect of producing the result intended, and yet might go far beyond, more especially when Government was ready to yield all which, with propriety, could be granted to effect the purpose.

Mr. *Bingham Baring* thought, that the agricultural ought to make every concession it could to the commercial interest of the country, provided it did not go to the extent of a repeal of the Corn-laws. In his opinion, however, the adoption of the principle which governed the Sugar Refining Act, would be more difficult in practice than the plan of averages and calculations to which the right hon. Gentleman opposite objected. The process in sugar refining was more nice, and therefore more open to fraud. Averages and calculations were not so difficult, as was found by a late trial in France, and to show that they would be generally alike, it was only necessary to state that the French average of seventy-eight per cent. for flour, and twenty-two per cent. for refuse, was about the same calculation which would be made in our corn market. The resolution before the House, if agreed to, would do no more than sanction the principle, and if the thing could be effected without fraud, there was no doubt that it would considerably add to the trade of the country. A saving would be made to our colonial consumers at the same time that the commerce of the country would be increased. He hoped the opposition to this resolution was not for the purpose of increasing the hostility against the Corn-laws, and making them appear in a more odious light by holding them up as an obstacle to the commercial interests of the country.

Mr. *Warburton* said, that he thought all technical difficulties on this question would be surmounted by the amendment which he should now propose, and that amendment was, that "the House resolve itself into a Committee of the whole House, for the purpose of taking into consideration the laws relating to the importation of foreign grain, with a view to the manufacture of the same in bond for exportation."

Mr. *G. F. Young* seconded the amendment with great pleasure, because he thought it a happy expedient for uniting the House in support of the principle advocated by the hon. Member for Worcester, to which he had not heard any valid objection started by the right hon. the President of the Board of Trade.

Mr. *Robinson* did not wish the discussion to proceed upon his motion, being ready to take the sense of the House upon the amendment at once.

Mr. *Clay* was understood to say, that the right hon. the President of the Board of Trade, had not denied the fact, that considerable disadvantages arose out of the practice of not allowing foreign corn to be ground when in bond. The right hon. Gentleman had gone further, and acknowledged that an alteration might take place with great advantage to the country, but he coupled that admission with a declaration that the parties most interested did not wish for the change.

Mr. *P. Thomson* begged to explain. What he had said was, that he had made a proposition to the parties, which they declared would be of no advantage to them.

Mr. *Clay* had understood the right hon. Gentleman to say, that nobody had asked him to interfere for the purpose of granting permission to grind corn in bond; but in his (Mr. Clay's) opinion, that was not a sufficient reason for a Minister of the Crown determining not to act in a manner which would be beneficial to the general trade of the country. He might have been accounted an enemy of his Majesty's Ministers for bringing forward his motion the other night for the modification of the Corn-laws. He was not their enemy, but if he had been their bitterest enemy, nothing would have given him greater delight than their opposition to his motion, because it evinced such a determination on their part not to permit the slightest encroachment upon even the margin of a great monopoly that had too long existed. That an alteration in the present system would be productive of immense advantage to the commerce of this country was evident from the fact that we sent out thousands of ships yearly across the Atlantic to bring back the produce of the new world, and those ships went out empty, when in fact they might as well be allowed to take out manufactured flour, and flour could be manufactured at so cheap a rate in this country, that we should then be able to compete with, and even undersell the Americans. He should support the amendment of the hon. Member for Bridport.

Viscount *Sandon* had always voted for the maintenance of protection to the landed interests of this country, but he could not offer any opposition to the motion before the House. Even if there was a slight difference between the averages of flour and corn, he should be ashamed, as an agriculturist, to oppose a motion of this kind, seeing that it might be productive of great benefit to the general commerce of the country.

Mr. *Mark Philips* thought the hon. Member for Bridport had now put the question into such a tangible shape that the House could not but embrace the opportunity it afforded for enabling them to come to some final arrangement of this important subject.

Sir *Edward Codrington* merely wished to remind the right hon. the President of the Board of Trade, that last year he presented a petition to the House from a Mr. Surrey, who expressed himself ready to put all his mills under bond, if he could be allowed to grind his own corn into flour and to export the whole. So, then, there was one individual ready to meet the right hon. Gentleman on that ground.

Sir *C. B. Vere* thought, the plan proposed by the hon. Member for Worcester might be beneficial if it were applied to corn now in bond, but not if it was intended to be prospective, because it would become an inducement to make large importations of foreign corn. As to the feeling of the agriculturists in reference to the commercial interests of the country, he could say with regard to the county of Suffolk that no feeling in the least degree inimical to the prosperity of trade, manufacture, and commerce in general existed in that county.

Mr. *Hawes* was of opinion, that any measure on this subject ought to originate with the Board of Trade itself.

Mr. *P. Thomson* said, whoever heard the observations he had addressed to the House before, must know that it was impossible for him to resist the amendment proposed by the hon. Member for Bridport, because he had expressed himself not only favourable to the introduction of a measure for the purpose of allowing corn in bond to be ground and exported, but that it was his anxious desire to assist in the introduction of a measure having that object in view, provided it could be effected in a manner that would be safe to the public revenues, and at the same time occasion no danger to that protection which was afforded to the landed interest by the corn-laws. He had no objection to allow the House to go into Committee, for then every hon. Gentleman would have an opportunity of bringing forward his plan, and he himself would also be able to submit his views in a more regular and detailed form to their consideration. He had no plan, however, which he could bring forward, but that which he had already stated to the House.

Sir *Edward Knatchbull* complained of the unfair and difficult position in which the representatives of the agricultural interest were placed in reference to the present question. He very much doubted whether any precautions could be adopted that in practice would be found efficient to prevent fraud. If fraud were not prevented, the result would be highly prejudicial to the landed interests. He feared that one of the objects in going into committee upon the subject was to level another attack against the interests of the agriculturists. Feeling, however, that he was not then in a position to resist the motion, he would consent to go into committee, protesting, at the same time, against any attack being made against the interest to which he was attached, and which he did not think very fairly treated.

Mr. *Robinson*, in withdrawing his motion, suggested that the House should now go into committee *pro formâ*; a future day might then be fixed for discussing the proposition. With reference to the observations which had been thrown out by hon. Members immediately connected with the agricultural interest, he pledged himself in committee to show that the measure could be carried into effect without the slightest injury either to the revenue or the landed interest. If not, he should at once abandon it.

Lord *J. Russell* was willing to admit that the proposition made by the hon. Gentleman had met with very general support, but it was in a very thin House, while from the aspect which the question now assumed they were undoubtedly placed in a very awkward situation. It was admitted by the hon. Gentleman himself, who introduced the subject, and by the hon. Member for Bridport, whose amendment he had expressed his readiness to adopt, that they were not now prepared to submit any substantive proposition or to enter into the discussion in committee. The hon. Member proposed to go into committee to consider the laws regulating the importation of foreign corn with a view to allow the manufacture of the same in bond for exportation, having no proposition to submit to the committee. In his view of the matter, it would be much more wise, and certainly a much more regular and usual mode of proceeding, to postpone the committee until they were ready to make a definite proposition to that effect. Instead, therefore, of going at once into committee, and postponing the proposition, he should move that the debate be adjourned till that day three weeks.

The House divided on the question that the debate be adjourned:—Ayes 39; Noes 28: Majority 11.

List of the AYES.

Adam, Admiral
Alsager, Captain
Arbuthnot, hon. H.
Balfour, T.
Baring, Francis,
Brodie, William B.
Campbell, Sir J.
Chandos, Marq. of
Copeland, W. T.
Dalmeny, Lord
Dick, Q.
Dillwyn, L. W.
Elley, Sir J.
Estcourt, Thos.
Gordon, hon. W
Harcourt, G. S.
Hinde, J. H.
Hogg, J W
Howard, P. H.
Howick, Lord
Knatchbull, Sir E.
Lawson, Andrew
Lennard, Thomas B.
Lennox, Lord G.
Macleod, R.
Murray, J. A.

Palmer, George
Polhill, Frederick
Richards, J.
Rickford, W.
Rolfe, Sir R.
Rushbrooke, Col.
Russell, Lord J.
Stanley, Edward
Thomson, C. P.
Trevor, hon. G.
Vere, Sir C. B.
Vivian, J. E.
Weyland, Major

TELLERS.

Pease, J.
Troubridge, Sir T.

List of the Noes.

Barclay, David
Baring, T.
Blake, M. J.
Brotherton, J.
Chalmers, P.
Chapman, A.
Clay, W.
Codrington, Sir E.
Elphinstone, H.
Fazakerley, J. N.
Forster, Charles S.
Guest, J. J.
Hawes, B.
Hume, J.
Jephson, C. D. O.
Leader, J. T.
Pattison, J.
Pechell, Capt.
Philips, Mark
Read, Sir John Rae
Ruthven, E.
Smith B.
Tancred, H. W.
Thompson, Colonel
Tulk, C. A.
Vivian, J. H.
Whalley, Sir S.
Young, G. F.

TELLERS.

Robinson, G. R.
Warburton, H.

Debate adjourned.

Survey of Church Lands.] Mr. Hume then moved for the production of "copies of all the Parliamentary surveys of church lands preserved in the library of manuscripts at Lambeth, and which were made under an ordinance of Parliament in 1646."

The *Attorney-General* said, he should be very well pleased if the surveys in question could be produced. They were made in the time of the Commonwealth, and embraced, no doubt, a vast quantity of most important and interesting information with respect to ecclesiastical property in the country; but, consisting as they did of no less than forty folio volumes, he did not see how they could be transcribed and printed without incurring an amount of expense which would really be most enormous. How were they to order an officer to go into the Archbishop's library and transcribe them? And if they could, who was to pay for the transcription? If they were to be printed, it should be under the charge of the Record Commission, and those only should have copies who were willing to purchase them.

Mr. *Hume* contended, the surveys he had moved was were a Parliamentary document, and it for the archbishop to satisfy the House w w he got possession of it. That House as not bound to stand up as the protector of stolen goods. Here was a public document, and it ought to remain among their other records in their own library.

Sir *M. Rolfe* said, the hon. Member now shifted his ground; his motion was "for copies of all the surveys;" he now wanted the original only.

Mr. *Hume* would then leave out the words "copies of," and move that the original surveys themselves should be brought into the library.

The *Attorney-General* could not believe the hon. Member serious. His motion was quite unexampled. There was no precedent for it whatever. If it were produced at all, why should the library of the House of Commons, any more than that of the House of Lords, be fixed on as its place of custody? He had great respect for the privileges of the House of Commons, but he greatly doubted whether they had the power of ordering these surveys of ecclesiastical property to be produced.

The *Speaker*: Does the hon. Member mean to divide?

Mr. *Hume* said, undoubtedly there was some difficulty in the way of proceeding. He thought, however, the best plan would be to appoint a Committee to ascertain how the Archbishop obtained possession, and what right he had to the custody of these Parliamentary documents. The fact was, this was not his motion; it belonged to the hon. Member for Finsbury and, under all the circumstances, perhaps, it would be better to postpone its further consideration till the second Tuesday after the recess.

Motion withdrawn

Men-of-War Wrecked.] Mr. Hume moved for "a return of the number of men-of-war that had been run on shore or lost at sea since 1830, with the names of their commanders or captains, the dates when those commanding-officers entered the naval service, the number of years they served as midshipmen, lieutenants, and commanders, their age at the time of promotion as lieutenant, commander, and captain; also, the expense incurred in repairing the vessels run on shore, and the value of those lost at sea."

Admiral *Adams* thought the return altogether unnecessary, and extremely objectionable. In all cases of accident to any of his Majesty's ships care was taken, according to the Articles of War, that a strict investigation took place, when those who were guilty of negligence or carelessness were duly punished. The officers were always put on their trial before regular courts-martial, and a proper adjudication had upon the merits of each case. Was it, therefore, reasonable that those officers, after appearing before the regular tribunal, should be dragged before that House in order to undergo a fresh investigation?

Mr. *Aaron Chapman* opposed the motion. It would establish a very dangerous precedent, and cast a slur on the character of many gallant officers who had met with misfortune without any blame attaching to them in the slightest degree.

Sir *T. Troubridge* appealed to the House and to the nation whether it would not be most unjust, after officers had been tried by regular courts-martial according to the Articles of War, to require them to encounter before an inadequate tribunal, as he maintained that House was, a second trial on the same charges?

Mr. *Hume* could see no injustice whatever in his motion. He did not see how it could be refused unless Government wished to screen abuses. If the House rejected it, the country would say that they were anxious to protect every species of mismanagement.

Captain *Pechell* did not think anything invidious was intended by this motion to the navy, or he should be the last in that House to support it.

Sir *T. Troubridge* denied that there was any intention or disposition on the part of the Admiralty to screen any individual whatever. But the course proposed by the hon. Member for Middlesex was at once improper, incorrect, and unjust, and therefore he should oppose it by every means in his power.

Mr. *Hume* said, that if the information for which he asked were granted him, he could show the loss of life and property occasioned to the country to be immense. Unless he were allowed the means of making out a case, it would be impossible for him to bring the subject forward in such a manner as to be worthy the attention of the House.

Lord *J. Russell* observed, that the information was asked for in what he must consider a partial form. It was impossible to determine whether blame could be attached to the commander of a ship on account of its loss, unless the House were in possession of the fullest information respecting all the circumstances; and that could only be procured by going into the inquiry again, with the same minuteness as was done by courts-martial. He rather supposed that the hon. Member wished to draw the inference that the officers concerned in such accidents were connected with the nobility, and had been rapidly promoted. If it were attempted to decide on the culpability of any party without a lengthened observation, censure might be passed on officers who had acted thoughout with the utmost skill and ability. On these grounds he should oppose the motion.

Sir *R. Inglis* objected to the return, because the information it would furnish would be much too limited to enable them to arrive at any conclusion with certainty. Besides, the hon. Member for Middlesex should recollect that his Majesty appointed the commanders of his own ships, and that the House of Commons could have no pretensions to interfere with the management of the navy. Neither should it be forgotten, that the law which passed sentence on an officer who had been found wanting in his duty, did not authorise the publication of the sentence and its circulation over the whole empire. The return moved for by the hon. Member would virtually be a list of new convictions, or a new bill of indictment against the parties whom it concerned, without giving them the opportunity of defending themselves.

The House divided:—Ayes 13; Noes 45: Majority 32.

List of the AYES.

Elphinstone, H.
Ewart, W.
Hindley, C.
Leader, J. T.
Lennard, T. B.
Pattison, James
Pechell, Captain R.
Philips, M.
Ruthven, E.
Smith, B.
Thompson, Col.
Warburton, H.
Williams, W.

TELLERS.

Hume, J.
Wason, R.

List of the NOES.

Balfour, T.
Baring, F. T.
Bateson, Sir R.
Berkeley, hon. F.
Blake, M. J.
Brodie, W. B.
Buller, Sir J. B. Yarde
Campbell, Sir J.
Chandos, Marq.
Chapman, Aaron
Chetwynd, Capt.
Copeland, W. T.
Curteis, H. B.
Dick, Quintin
Estcourt, T.
Fazakerley, J. N.
Forster, C. S.
Harcourt, G. S.
Hinde, J. H.
Hobhouse, Sir J. C.
Howard, Philip Henry
Howick, Viscount

Ingham, R.
Inglis, Sir R. H.
Knatchbull, Sir E.
Lawson, Andrew
Lennox, Lord G.
Macleod, R.
Murray, rt. hon. J.
Ossulston, Lord
Palmer, George
Parker, John
Richards, John
Richards, R.
Rickford, William
Robinson, G. R.
Rolfe, Sir R. M.
Rushbrooke, Col.
Russell, Lord John
Shaw, rt. hon. F.
Stanley, E.
Tancred, H. W.
Troubridge, Sir T.
Vere, Sir C. B.
Vyvyan, Sir C. R.

TELLERS.

Adam, Sir C.
Dalmeny, Lord

IMPRISONMENT FOR DEBT.] The Attorney-General moved that the Imprisonment for Debt Bill be re-committed.

The House in Committee.

On Clause 1 being proposed,

Mr. *Richards* said, that no Bill ever submitted to that House, was more carelessly and inconsiderately framed than the present. It professed to be a Bill for the abolition of imprisonment for debt, except in cases of fraud; and yet there was not one of its provisions which made it fraudulent to contract a debt in any case, or which imposed any punishment for doing so. It was, in his opinion, a crude and ill-digested measure, and would be infinitely more mischievous in its effects than the law as it now stood. It appeared to him to offer direct encouragement to debtors to give undue preference to creditors; and greater facility would be given than at present for committing fraud in this respect. If imprisonment for debt were an unjust and unnecessary evil, why did not the hon. and learned Gentleman content himself with proposing to retain the goods of the debtor, without reserving the power of imprisonment to the Crown? This was, in fact, contradictory to the principles on which the measure was founded. He strongly objected to the Bill, on the ground that it would give extended power for the recovery of debts only to individuals suing in the superior courts. As regarded the great mass of creditors, it would curtail rather than extend the remedy against debtors. To persons who claimed an amount not extending to 100*l.*, the remedy would be much more troublesome, expensive, and dilatory, than at present. In fact, the Bill would shut up almost every local court for the recovery of debts in the country.

Mr. *G. F. Young* said, that the enactments of the Bill by no means bore out that which assumed to be its principle, and that it was viewed by the trading interests and the country at large with universal distrust. There was among all classes a growing dislike to the practice of imprisonment, and he thought it would be better to trust to that than to take away the power to which public opinion was sufficiently opposed as to prevent the improper use of it. If material alterations were not introduced in the measure in its progress through the Committee, he hoped the opportunity of objecting to the Bill and dividing against it on the third reading would be afforded.

The *Attorney-General* said, that in due time he hoped to be able to convince the hon. Gentleman and the present opposers of the measure that it was calculated to benefit creditors. He thought the practice of discussing the principle of a Bill in Committee an inconvenient one. The third reading would afford an opportunity for that full discussion, without which he should much lament that the measure should pass.

Mr. *Mark Philips* said, he was not opposed to proceeding with the Bill on factious grounds; he only wished for some delay that would afford him the opportunity of communicating with his constituents, whose interests were deeply involved.

Clause agreed to.

On Clause 12 being read,

Mr. Wason moved the omission of the words recognizing the exception of Members of the House of Commons from the full operation of the clause.

The *Attorney-General* thought it inexpedient to re-agitate a question which had been already decided on in a previous Committee.

Colonel *Thompson* said, he had heard it alleged as a reason for the introduction of those words into the clause which exempted Members of Parliament from arrest in cases where, according to this Bill, other persons would be liable to it, was because the Bill would not pass another place without them. Now he thought that this House, if such were the case, would, by consenting to this clause without the proposed amendment, be doing a very unhandsome office for that other place.

Mr. *Finch* was sure that for one Member of the other House, who desired the exemption in the clause, before the Committee, there were twenty Members of that House who were anxious to enjoy it. He would vote for the Amendment.

Mr. *Mark Philips* was of opinion, that a question affecting the character of that House ought not to be settled in so thin a House, and advised a postponement of the amendment.

The *Attorney-General* had introduced the words into the clause exempting Members of Parliament from its full operation, not with reference to any opinion that might be entertained of the measure itself by that or any other House, but because he believed the introduction of such words to be just and proper. The clause gave a remedy against the person of a debtor after neglecting to comply with the certain requisite forms and orders of court, &c. But he had considered that a Member of Parliament ought to be protected from all arrest, in order that he might attend to the proper discharge of his duties as a Member. If he were not so, false debts might be sworn to against him, and he might be kept away from the House by a malicious creditor when it was absolutely necessary for the interests of his constituents that he should be there. In such a case he might lose the pleasure of listening to the eloquence of the hon. Member for Knaresborough. By the present Bill the creditors of a Member of Parliament would be placed in a much better situation than they were in before, inasmuch as while, by the present system, all the property and even the servants of Members of Parliament were privileged, they would by the present measure have a remedy against all their property, whether landed, personal, or funded; in short, of every description whatsoever. They would gain a great deal and lose nothing. Under such circumstances why should hon. Members wish to alter the division which had already taken place upon the matter in a House much fuller than the present?

Mr. *Richards* said, he should be sorry to contribute towards doing anything which might prevent hon. Members listening to the Attorney-General's learned exposition of the laws in that House. He was only answering the sarcasm of the hon. and learned Gentleman. He would, however, maintain his objection to the whole Bill, as altogether impracticable and impertinent, and he hoped the hon. Member for Ipswich would persist in dividing the House, in which case he would certainly give him his vote.

Mr. *George F. Young* might be induced to support the principle advocated by hon. Gentlemen opposite if it were presented in the shape of a substantive measure; but he objected to this attempt to carry it by a side wind. The privilege belonged rather to their constituents than to hon. Members themselves; and he, therefore, should support the hon. and learned Attorney-General.

Mr. *Aglionby* did not think that the proposal of the hon. Member for Ipswich would interfere with the proper discharge of their Parliamentary duties by hon. Members; the more especially as, by a fair statement to the Commissioners, gentlemen would be released from personal restraint. He therefore should support the motion of the hon. Member.

Mr. *Hume* observed, that no portion of the privileges of Members of Parliament was so much objected to out of doors as that which the Attorney-General wished to perpetuate. He therefore hoped that if the hon. Member for Ipswich failed now, he would renew his exertions on a very fit opportunity.

The *Solicitor-General* had not expected that this matter would have been again discussed that evening and the whole case re-opened. It was not fair to absent Members, nor was it even fair to those present. He could not say that his mind was made up on the subject; but he certainly should, at present, support his hon. and learned Friend, the Attorney-General.

Mr. *Scarlett* stated, that in his judgment this was a question of the privileges of the people, who had a right to elect even a fraudulent representative if they pleased, and also to give him the protection which under the present law he enjoyed. On the abstract question he had not made up his mind.

Sir *J. Hobhouse* agreed with the Solicitor-General. He had not made up his mind fully on the subject, and thought that an improper moment to decide on it. If the privilege, which the Attorney-General proposed not to alter were invidious, it was in proportion to its invidiousness that the House should discuss it fairly.

The *Attorney-General* remarked that he was not personally interested in the matter, because, representing the city of Edinburgh, he did not want a qualification, and he was on principle opposed to the exaction of qualifications from Members of Parliament. But if the proposal of the hon. Member for Ipswich, to strike out the words which he (the Attorney-General) had inserted, were complied with, then qualifications for Members of Parliament must be abolished. The fictitious qualifications which had been the means of insuring seats in that House to some of its best Members for numbers of years, would not stand the test of an examination by a Commissioner. Hon. Gentlemen opposite had always advocated the continuance of qualifications, and therefore ought, he thought, to support him

Mr. *Harvey* thought, that the hon. and learned Attorney-General had made an appeal very likely to defeat its own object. He called on hon. Gentlemen opposite to support the clause, otherwise it would lead to the abolition of all qualification. In plain terms, he said, you Conservative Gentlemen are known to be beggars—men of straw, sitting by virtue of paper qualifications, and if you suffer this protection to be abrogated, you will expose yourselves to an examination which will at once detect your property and your fraud. Could any suggestion be more monstrous and insulting! Then it was said the Bill, without this clause, would be lost in another place. For his part he would be deterred by no such apprehension. Let the disgrace attach to the proper parties, and we ought not to protect ourselves by imputing intentional misconduct to others. If the Bill should return to this House with the obnoxious clause restored, we must meet the exigency when it arises. It might so happen, that it would be better to accept the Bill so prejudiced, but at all events, let it go forth to the world by whom the dirty deed was done.—What was the evil apprehended? That a Member of Parliament might have to confess himself a beggar, and moreover, that he had committed perjury. And was that the man to protect! He (Mr. Harvey) was against a compulsory qualification, but so long as the law required it, so long ought it to be palpable and tangible.

Mr. *George F. Young* moved, that the Chairman do then report progress and ask leave to sit again.

The Committee divided on Mr. Young's motion; Ayes 27; Noes 39: Majority 12.

List of the AYES.

Angerstein, John
Baring, Francis T.
Bridgman, H.
Brodie, W. B.
Campbell, Sir J.
Cavendish, hon. C.
Curteis, H. B.
Fazakerley, J. N.
Fitzroy Lord C.
Fleetwood, Peter H.
Gordon, Robert
Hobhouse, Sir J. C.
Howard, P. H.
Ingham, R.
Johnstone, Sir J.
Knight, Henry Gally
Marjoribanks, S.
Murry, J. A.
Price, Sir Robert
Scarlett, hon. R.
Stanley, E. J.
Tancred, H. W.
Troubridge, Sir T.
Verney, Sir H., Bart.
Warburton, H.
Wrightson, W.
Young, G. F.

TELLERS.

Rolfe, Sir R. M.
Parker, John

List of the NOES.

Aglionby, H. A.
Alsager, Captain
Bowes, John
Brotherton, J.
Buller, Sir J.
Clay, William
Copeland, W. T.
Elphinstone, H.
Estcourt, Thos.
Ewart, W.
Finch, George
Forster, C. S.
Greene, Thomas
Guest, J.
Harvey, D. W.
Hastie, A.
Hawes, B.
Hinde, J. H.
Hindley, C.
Hughes, Hughes
Hume, J.
Lawson, Andrew
Leader, J. T.
Lennox, Lord G.
Martin, J.
North, F.
O'Connell, M. J.
Pease, J.
Philips, Mark
Rickford, W.
Ruthven, E.
Scourfield, W. H.
Sheppard, T.
Sibthorp, Col.
Sinclair, Sir George
Thompson Ald.
Thompson, Col.
Townley, R. G.
Williams, W.

TELLERS.

Wason, R.
Richards, John

Some verbal amendments were made. The House resumed.

HOUSE OF LORDS,

Wednesday, March 22, 1837.

MINUTES.] Bills. Received the Royal Assent:—Transfer of Aids.

Petitions presented. By the Bishop of HEREFORD, from the Dean and Chapter of St. Peter, Westminster, against a Proposition contained in the Fourth Report of the Ecclesiastical Commissioners, for the Reduction of the Twelve Prebendaries to Four.

Adjourned to April 6th.

HOUSE OF COMMONS,

Wednesday, March 22, 1837.

MINUTES.] Bills. Read a second time:—Mutiny and Marine Mutiny.—Read a first time:—Burghs of Barony (Scotland).

Petitions presented. By several Hon. MEMBERS, from various places, against the Abolition of Church-rates.—By Mr. HUME and other Hon. MEMBERS, from various places, for the Abolition of Church-rates.—By Mr. BROTHERTON and other Hon. MEMBERS, from various places, for Amendment of Poor-law Act.—By Mr. LENNARD, from Maldon, in support of the Poor-law Act.—By Mr. BAINES and other Hon. MEMBERS, from various places, for the Repeal of Duty on Foreign Wool and Olive Oil.—By Mr. BAINES and Mr. BROTHERTON, from Glasgow and Derby, for Repeal of Duty on Cotton Wool.—By the ATTORNEY-GENERAL, from Edinburgh, for Repeal of Duty on Fire

Insurances.—By Mr. GREENE and other Hon. MEMBERS, from various places, for Repeal of Duty on Soap.—By Mr. HUME, from Mountain, for Adoption of the Ballot.—By Mr. CLAY, from Ansty and Anderston, for Repeal of Corn-laws.—By Mr. HORSMAN, from Glasgow and Barnsley, for Reduction of Duty on Tobacco.—By Captain PECHELL, for the Licensed Victuallers (Brighton), for Revision of the Laws relating to Innkeepers.—By Mr. HUME, from Hammersmith, complaining of Provisions in Modern Acts of Parliament which give certain Inhabitants of Parishes a Plurality of Votes.

WESTERN RAILWAY.—PADDINGTON ESTATE.] Mr. *C. Russell,* in moving the third reading of the Great Western Railway Bill, begged to state, in order to correct any erroneous impression, that the Paddington estate was vested in trustees for the benefit of the representatives of the lessees and of the see of London, one-third part only of the clear annual rent going to the see. There was a mortgage on the estate of about 23,000*l.*, and the whole of the money to be received from the Great Western Railroad Company would be applied to the paying off this mortgage, and to making compensation to certain tenants whose premises would be taken from them. Not one shilling of this money would find its way into the hands either of the lessees or the bishop, who would derive no other benefit than an improved annual rent after the expiration of a certain term of years. He should have made this statement yesterday if he had not supposed that the circumstances had been sufficiently explained by the hon. Member for Lambeth.

Bill read a third time.

CONSULAR AGENT AT CRACOW.] Lord *Dudley Stuart* seeing the noble Lord, the Secretary for Foreign Affairs in his place, said he would avail himself of the opportunity of putting a question to him.—It might be in the recollection of the noble Lord, as he was sure it was in the recollection of many hon. Members of that House, that on the 20th of April last a motion had been made by his hon. Friend the Member for Lancaster, for an humble Address to his Majesty praying that he would be pleased to send a consular agent to Cracow. The noble Lord, as a Minister of the Crown, assured the hon. Gentleman on that occasion that it was the intention of his Majesty's Government to send a consular agent to reside at Cracow, and on the ground that such was the case had entreated the hon. Gentleman to withdraw his motion. The hon. Member in consequence of that assurance, coming as it did from a Minister of the Crown, consented to withdraw his motion, and accordingly did so. That was now nearly a year ago, and he (Lord Stuart) wished to ask the noble Lord whether any Consular agent had yet been appointed; and if so, when he was to proceed to his destination.

Viscount *Palmerston* said, that the noble Lord had stated with perfect correctness the answer which had been given upon the occasion referred to. He stated at once that it was his intention to send a consular agent to Cracow, and such at the time had undoubtedly been his intention, but having since found that there would be considerable difficulty attending it, greater indeed, than he had then anticipated, he had altered his intention and had not sent a Consular Agent to Cracow, and it was not, at present, his intention to do so.

Lord *Dudley Stuart* said, that in consequence of this most extraordinary contradiction on the part of the noble Lord, and of which he had now, in the hearing of the House, made admission, he would give notice that he should take as early an opportunity as he could avail himself of after the recess of bringing the subject of Cracow under the consideration of the House.

Viscount *Palmerston* was quite aware of his contradiction. He had stated his intention of sending a Consular agent to Cracow, but he had been subsequently induced to alter that intention. When the noble Lord should bring the question before the House, he was sure he should be able to state reasons sufficient to show that he had exercised a sound discretion in having changed his original intention.

Subject dropped.

EAST INDIA MARITIME OFFICERS.] Mr. *Robinson,* in moving the second reading of the East India Maritime Officers' Bill, said that all members both of the last and present Board of Control, had agreed in the Report, which stated that by the rule of the Directors of the East-India Company, certain officers had been excluded from the list who were entitled to compensation. When the negotiation had taken place between his Majesty's Government and the East India Company for the purpose of putting an end to the privileges of that body for the benefit of the public at large, an express agreement had been entered into by the Company with the Government on behalf of those officers, which was subsequently sanctioned by Parliament, to the effect that in putting an end to the trading privileges of the East India Company care should be taken that the claims of these officers should not be prejudiced on that account. Now, he would remind the House that there was no doubt whatever as to the nature of the clause of the Act of Parliament on this subject. In the 3d and 4th of William the 4th, c. 4, sec. 7, it was expressly provided that the claims of these officers should be considered without regard to their time of service, or the time they had quitted service; but merely upon the point of their interest having or not having, been affected by the discontinuance of the East India Company's trade. He defied any man to contradict him in saying that that was the obvious meaning of the Act; and surely neither the East India Company nor the Board of Control had any right to put a limit on an Act of Parliament which was not contained in the enactment itself. He charged the East India Company Directors with a tenacious adherence to a rule by which those officers had been excluded from the list, contrary to the meaning of the Act of Parliament, and also of an unwillingness on their part to consider the claims of those gentlemen. That was a grave charge, and although not amounting to one of absolute injustice, yet to those officers the effect was precisely the same whether they had been intentionally treated with injustice, or treated so by an obstinate and tenacious adherence to an improper construction of the Act of Parliament. On the 16th of December, 1834, the Court of Proprietors of the East India Company had unanimously agreed that those officers were justly entitled to compensation. The Court of Directors, however, prescribed a rule of time, which he maintained they had no right to do under the Act of Parliament, and the admission of which, it had been pointed out to them, would exclude several meritorious officers who were entitled to compensation. He had, notwithstanding, understood that the Court of Directors and the Board of Control were willing to consider the cases of any officers who had been excluded under this rule of time upon their special merits; but upon being called on to do so, they refused, and had up to this moment deprived those officers of any opportunity of establishing their claims, even upon special grounds. Now, until his opinion was changed by a vote of that House, he would not believe that a British Parliament would sanction so unjust a proceeding. He would ask the President of the Board of Control, upon what ground was it, after the Report which had been made and unanimously agreed to that those officers were to be excluded by this rule of time from ever having their claims considered upon their merits? When Lord Glenelg was under examination before the Committee, he (Mr. Robinson) had asked him if he believed it to be in the power of the Court of Directors of the East India Company, with the consent of the Board of Control, to consider upon equitable grounds the claims of the officers who had been excluded, and his Lordship answered that such was his opinion. Upon his Lordship being asked if he intended to exclude the consideration of all special cases, he said, "I do not say I intend to exclude all special cases. It is my opinion that special cases ought to be considered." He was also asked, "if any officers who have been excluded from compensation, by the rule of time could make out clearly that their interests had been affected by the discontinuance of the Company's trade, it would still be your Lordship's opinion that it was in the power of the Company to compensate them?" to which his Lordship replied, "You have expressed precisely my opinion." Now he (Mr. Robinson) had shown that the Court of Directors had expressed a desire that these officers should be compensated, and that a Committee of the House of Commons, in consequence of a petition from those officers, complaining that they had been excluded, had decided that they were justly entitled to compensation, and he had thought that upon a further application to the East India Company and Board of Control, they would have, under these circumstances, been disposed to consider the claims of those officers upon their merits; but, strange to say, although these officers had again applied, with the Report of the Committee in their hands, they received from the Company the same answer as before—namely, that they did not come within the rule of time, and that, therefore, their case could not be considered. What right had the East India Company to put a limit to the Act of Parliament which it did not contain—for he again asserted that there was no limit of time in the Act? The Act gave to all those parties an equitable claim if they could make out their case, and more than that, they or he did not demand. No power on earth could or ought to exclude any of those officers from compensation, who, taking upon themselves the *onus probandi*, could establish their right to that compensation. But when this Act had passed, the Board of Directors and Board of Control prescribed a rule by which, forsooth, the Act of Parliament was to be evaded, and by which, no matter how strong the merits of the claims put forward, they were excluded from even being considered. If he were to go into an examination of the manner in which the East-India Company had dealt with these meritorious officers, he could show that they had been most miserably and unfairly treated. He could show that compensation had been given to others whose claims were much inferior to those whose case he now urged upon the attention of the House. A certain rule of time had been adopted with reference to the claims for compensation. This rule of time was fixed in August, 1828, and in its operation was most unjust and oppressive. The House would best understand this if he stated a case that had occurred. A maritime officer, in the service of the East-India Company, quitted his ship in July, 1828; not voluntarily, but owing to the ship to which he belonged being paid off and disposed of by the act and directions of the Board of Directors. This officer frequently applied for new employment; he was refused it, and it was held that he did not come within the rule of time, and therefore was not entitled to compensation. The other was the case of an officer who had made a fortune in the service of the East-India Company, and who quitted that service with the intention of returning no more to it in the month of September, 1828, and it was held that this officer came within the rule of time, and was entitled to compensation. Such was the injustice which was worked by this rule of time. No less than 150 officers had applied to the East-India Company to have their cases considered on their respective merits, and this number and the labour of the investigation of each, had doubtless alarmed the Court of Directors. Still he maintained that they were bound in justice to proceed with the inquiries as prayed, and all he (Mr. Robinson) now asked by this Bill, was to compel them to do so, and in point of fact, to enforce the provisions of their own measure. The Bill he sought to carry through established no new principle; it only asked the House to enforce the provisions of its own statute—to declare that the East-India Company, in the rules they had made with reference to the awarding compensation to these maritime officers, had been guilty of an error in judgment—an error which had been productive of gross injustice to a most deserving and meritorious class of men. The Bill did not compel the payment of a single shilling, but went to compel an investigation of claims according to the views embodied in the Report of the Select Committee of last Session, in direct contravention of which both the Court of Directors and the Board of Control had proceeded. They had endeavoured to avoid coming before Parliament, but all their remonstrances had failed, and they were now compelled reluctantly to make this appeal. Let it not be forgotten that the East-India Company had got great benefits by the last statute, which secured to themselves valuable dividends for a long period of time, and that they had been lavish in the compensation awarded to their civil and military servants and officers. Could it then be justified, that when the trading privileges of the East-India Company were superseded, any portion of men having valid claims, should be left to complain of the gross injustice done to them, not in consequence of any act of their own, but resulting from the acts and orders of the Court of Directors? Neither could it be said that there was any want of funds, out of which to award this compensation, for the East-India Company themselves made a return of their own estimate, amounting to 1,224,000*l.*, as necessary for that purpose. On all these grounds he trusted that the right hon. Baronet now at the head of the Board of Control would, on reflection, feel that he had been a party to an ill-advised arrangement, which had had the effect of perpetrating gross injustice, and that being so convinced, he would not adhere from any feelings of false pride to the decision to which he had formerly come, and which experience now showed to be erroneous. He therefore entreated the right hon. Baronet and the House, on the grounds of common justice, to allow this Bill to be read a second time. The hon. Member concluded by moving that the Bill be now read a second time.

Sir *J. C. Hobhouse*, in spite of the appeal made by the hon. Member for Worcester to his sense of justice, felt himself imperatively compelled—to oppose the second reading of this Bill, and he could not help thinking that he should be able to convince those hon. Members who had listened to the appeal of the hon. Member for Worcester, that it would be extremely unjust to the East-India Company to pass this measure. In the onset he must state that he had been no party to the arrangements from which those complaints now arose; those arrangements had been perfected long before he came to the office of President of the Board of Control. When, however, it was determined that the maritime officers of the East-India Company should receive compensation, it was quite clear that such compensation must be granted and awarded in one of two methods—either that all cases should be considered separately, with reference to their individual merits, or that if not considered separately some definite rule to apply to them should be laid down. The right hon. Baronet was here interrupted by

An hon. Member observing, that forty Members were not present.

House counted out.

HOUSE OF COMMONS,

Thursday, March 23, 1837.

MINUTES.] Bills. Read a second time:—Dublin Police.

Petitions presented. By the LORD ADVOCATE, from Musselburgh, for Small Debts (Scotland) Bill; and for Repeal of Duty on Fire Insurances.—By Mr. DIVETT, from Exeter, for Repeal of Duty on Fire Insurances.—By Mr. PEASE, from Whitby, for establishing a Fund for the Relief of Widows of Officers of Excise.—By Mr. ROBERT FERGUSSON, from Fife, for suspending the Act of Sederunt.—By Mr. STANDISH BARRY, from Kanturk, for Abolition of Tithes (Ireland); for Vote by Ballot; and for Municipal Corporations (Ireland) Bill.—By Mr. HUME, from Ilfracombe, for Relieving the Proprietors of the Shipping Gazette, for the Postage of Letters containing only Commercial Intelligence.—By Sir R. VYVYAN, from Bristol, for better regulation of Bristol Court of Conscience.—By Lord Viscount MORPETH, from the University of Dublin, for conferring the Right of Voting for Members for the University, on those who have or who may in future obtain Moderatorships in the University of Dublin.—By Mr. HINDLEY and Mr. ARTHUR TREVOR, from various places, for Exemption from the Operation of Poor-law Act.—By Mr. ARTHUR TREVOR, from Paulsferry, for separating that Parish from the Pollsbury and Stoney Stratford Union, and adding to the Towcester Union.—By Mr. GRANVILLE, against the Abolition; and by Mr. HINDLEY and other Hon. MEMBERS, from various places, for the Abolition of Church-rates.—By Sir R. VYVYAN and other Hon. MEMBERS, from various places, against the proposed Measure.—By Mr. WARBURTON and Mr. WILKS, from various places, for the proposed Measure for the Abolition of Church-rates.

TURNPIKE TRUSTS (SCOTLAND).] Mr. *Maxwell*, on moving for a return of the debts on the Scotch Turnpike Trusts, for which the trustees are personally liable, observed, that many of the roads in Scotland were of very recent formation, and made at great expense by reason of the hills, morasses, and ravines, which intersected that country. The tolls upon them were consequently very high, and the only means by which the pressure of these tolls was alleviated were to be found in the low rate of interest which was paid to the creditors upon them, owing to the collateral security of trustees, some of the most public spirited of whom were personally bound for the debts. The railway projected through the counties for which his notice for returns was given, had caused great apprehension that the creditors might call up the monies they had lent; or at all events demand five per cent. instead of three and a half, for interest upon their bonds. The trustees would be obliged in such cases to cease from paying off debt, and might be compelled to diminish the expense necessary for keeping the roads in the highest possible perfection, and to exact the highest possible rate of toll. The returns would show debt annually diminishing; money bonds chargeable with the lowest rate of interest; conveyances of the greatest weight carried through hilly districts with a very small horse power, by the smooth surface and level line of road formed by this system of personal liability, so creditable to the public-spirited persons who had come forward to establish these eligible lines of road for the public benefit. These trustees could not borrow at a higher rate of interest than five per cent., and could reap no profit whatever by such tolls on the traveller; whereas railway companies might gain twenty or thirty per cent. on travelling by their mode of conveyance; and might subject travellers on all public highways through which they passed to higher tolls or worse roads, and whose most valuable traffic, viz., passengers, they would carry away, to a decadence which would never be compensated to any but thoroughgoing travellers on one solitary line of communication. The hardship upon trustees whose lands were taken, and assignees whose securities were depreciated, appeared to him deserving of such consideration as they sought, not only on private, but public grounds; and he had accordingly brought their peculiar case under the notice of English Members who were not exposed to their peculiar difficulties by the English system of roads.

Returns ordered.

Criminal Law.] Lord *John Russell:* Sir, in rising to move for leave to bring in a Bill to abolish the punishment of death in cases of forgery, which it is my intention to follow up by moving for leave to bring in several other Bills respecting the criminal law of this country, I think it due to the House and to the country to state the motives which induce the Government to bring forward this subject at this time. In the present state of public business, when there are so many measures already before the House, each of which requires much consideration, I should have been most willing, if I could have done so consistently with my public duty, to postpone the measures for improving the criminal law until a more convenient season. The course I am now taking is the result of the appointment of a commission on the criminal law, some years ago. It was the intention, in the appointment of that commission, that they should consider, first the propriety of revising the whole of the unwritten criminal law on the one side, and of revising the whole of the written criminal law on the other; and, finally, they were to consider the expediency of consolidating the whole. The Commissioners went through many laborious investigations of the subject, more especially of the unwritten law, regarding thefts. One of those investigations was exceedingly valuable, as showing the various decisions of the common law with respect to thefts. It soon appeared, however, that, to make a digest of the whole of the unwritten law, and also to make a digest of the whole of the written law, could hardly be done without, at the same time, endeavouring to bring them into a more regular and methodical shape. That question led to others, most difficult and intricate. Seeing the time which must necessarily elapse—seeing the great importance and the great intricacies of the questions thus raised, and which had changed the whole body of the criminal law, as it originally prevailed, and as it had of late been interpreted—the Commissioners had their attention directed to the present state of the criminal law, with a view to its reform, and the consequence of their attention being so directed was, that a report was presented to Parliament in the course of last Session, in which the Commissioners stated that, in their opinion, there were many offences now capital from which capital punishment ought to be removed, and that capital punishment ought to be limited to a small number of offences. With that opinion before me, it seemed essential not to go on for another year without bringing under the consideration of Parliament such amendments as could be made for the present, without waiting for the total reform and digest of the whole unwritten and written law. This opinion on the part of Government has been very much strengthened by a consideration of the present state of the execution of the criminal law in respect to certain offences. It was the opinion of Dr. Paley, and which, for a certain time, prevailed generally, that it was expedient to draw into the criminal net, as the law was called by him, a great number of offenders, and then to select a few upon whom it would be proper to inflict punishment. But the impolicy—and injustice, I might likewise say—of that mode of proceeding, was, I consider, fully demonstrated by Sir Samuel Romilly, when he undertook, to his immortal credit, and the great advantage of the country, to bring before Parliament the question relative to the improvement and reform of the criminal law. Without dwelling very long upon opinions which, I believe, are not now very generally entertained, I will proceed to state to the House one or two reasons why, the course advocated by Paley, is most inexpedient and likewise unjust. No one now doubts that it is the object of criminal punishment, not to satisfy the purposes of divine justice, nor to inflict human vengeance, but to deter from the commission of crime. But this purpose is not at all answered when you say that, out of a very great proportion of offenders, only certain victims shall be chosen on whom to execute the criminal law, without defining the aggravated circumstances in their cases which shall subject them to its operation. In almost every case where the extension of mercy is applied for on behalf of criminals, there are certain circumstances stated, which naturally suggest themselves to the mind of every non-professional as well as every professional man, as grounds upon which that mercy should be extended: as, for instance, where offenders are drawn accidentally into the commission of crime, where persons have had a good character before, where they have not been guilty of any offence before, where they have been misled by others, or where there is reason to suppose that they have not been the most guilty in the commission of the offence. There are various other grounds of mercy which occur to every person, the most simple as well as the most learned. If we were to say, that we would not extend mercy to a certain number of cases to which the penalty of death was affixed by the law, but that we would choose, out of a very great number of offences, those of an aggravated nature, on which to inflict capital punishment, it would not be known, and it could not be known, either to the persons committing the offences, or to the country in general, what those features of aggravation were, the knowledge of which alone can be of use in deterring persons from such crimes. I will now give a few instances, in order to show the great disproportion between the number of persons sentenced to death under the present laws and the number executed. In 1835, the whole number condemned was 523; but the number executed was only 34. In 1836, the number of persons condemned to death was 494; while the number executed was only 17. With respect to certain offences, the punishments which have taken place are in great disproportion to the convictions. With respect to murder, for instance, twenty-five persons were convicted in 1835. One of these was pardoned in consequence, if I recollect rightly, of some informality in the indictment; three were transported; and twenty-one out of the twenty-five were executed. But with respect to burglaries, 193 were convicted and sentenced to death, but only one was executed. With respect to the crime of shooting with intent to murder or maim, sixty were convicted, and only two were executed; and as to cases of robbery 202 were convicted, and no person executed. With respect to burglary, it appears from the returns that, since 1832, there have been three persons executed for offences of that nature. In 1833, one was executed; in 1835, one; and in 1836, one. Now, I submit that the great disproportion between the number of convictions and of executions in these cases is open to strong objection, and I instance the case of burglary as showing that a beneficial effect on the public mind does not result from the present state of things. Besides that, it places in a very painful situation the judges of the land, and the Secretary of State, who are obliged to administer a law which generally is not carried into effect, except in some few cases where it becomes expedient to enforce it, even to inflicting the extreme penalty of death. One of the cases to which I have referred was brought before the King in council; and it appeared from the circumstances, as detailed at the trial, that the accused was a professed housebreaker; that he was a sort of master in the art, who taught younger thieves the science of burglary; and a quantity of tools and instruments were found in his possession calculated to effect an entry into houses: in fact, it appeared that he kept a school or academy for teaching burglary. The second person executed was not exactly similarly situated: it appeared that he had committed burglaries on three consecutive nights, and in one case in the house in which he had been before employed as servant. The third offender who was executed, was a man who was engaged in the Chipstead burglary (which I dare say will be recollected by many Gentlemen), where a gang broke into a house armed with weapons, and being resisted they attempted to force their way, but were repulsed; they returned, however, and in the course of their breaking in inflicted blows of a severe nature on the inmates of the house. Now, the circumstances of these three cases are widely different; and I would defy any man to say that it could have been beforehand the intention of the law, as regarded any one of these cases, that its peculiar circumstances could be taken as forming a ground for the infliction of capital punishment. When the judges think that the crime is so aggravated by the circumstances by which it is accompanied that it should be visited with capital punishment, no doubt they make the best use of their discretion, and in such cases the Secretary of State would not be justified in interposing, for he could not find sufficient grounds for the extension of mercy. But at the same time, in respect both to the judges and the Secretary of

State, men's opinions do sometimes differ as to the circumstances which call for capital punishment, and therefore it is exceedingly difficult to determine the punishment which should be inflicted in cases of burglary; for the crime is of such a nature, and the circumstances connected with it are frequently so varied, that amongst the many persons found guilty of burglary some have been ordered for six months' imprisonment; and in cases tried by the Central Criminal Court some were sent to prison for twelve months, some for six months, and some only for three. This is the first objection that is made to the present state of the law: its extreme uncertainty of infliction, and the extreme uncertainty and difficulty, or I might put it—the impossibility, of saying by the mere authority of the judges what are the circumstances of aggravation which should make this crime a capital offence. But there is another objection to capital punishment so inflicted—that it is not in such cases calculated to inspire in offenders the dread which would render it salutary as an example. Where so much uncertainty exists in its infliction, an offender has the natural hope, which all men in that situation must have, that capital punishment will not reach him. He always thinks that he will be equally lucky with those who have gone before him in crime; and nothing can teach him to apprehend that while 290 persons necessarily escape capital punishment, and the 291st is executed, he may be that 291st who is doomed to suffer the extreme penalty of the law. It is the natural hope in every man's bosom that he will escape the worst; and it was a remark made by Bacon, with all his characteristic truth, "that death, itself, for many hath no terrors." He said, that it was worthy of observation, that no passion in the mind of man was so weak but that it was able to make its possessor master over the fear of death. Death itself, for many, had no terrors; the passions of revenge, honour, love, despair, triumphed over and despised it,—all operated to blunt the apprehensions of death; and with the timid, even, death lost much of its influence on the mind, fear pre-occupied it. If that be true, and if there are so many passions that overcome the apprehension of death, how easily may it be overcome when the apprehension of it is so distant that there seems scarcely a chance that the prisoner will be the one selected upon whom to inflict the utmost severity of the law? This is the ground on which, with respect to this and several similar offences, I desired the Criminal Law Commissioners to give me an opinion whether there might not be some definition suggested by which the punishment of death should be reserved to a smaller class of offences. In so doing I did not ask, and I did not expect, that they should form any definition which would comprehend only those upon whom the punishment was ultimately to be inflicted. It would not be possible so to frame any law as to say that that law ought to be firmly and inflexibly adhered to; but I think that the law might be so far defined that it could be said, generally, that persons who committed such and such an offence made themselves liable to capital punishment; and that it would be a question for the discretion of the judge, and afterwards for the Secretary of State, to consider whether or not there were circumstances which fully entitled the culprit to a merciful consideration. We ought to consider the subject with reference to what has been done of late years regarding the abolition of capital punishment; and if we find that, undoubtedly, the diminution of capital punishment has unfortunately led to the increase of crime, then I think we ought to pause before we make any more alterations. I have before me several returns respecting the number of crimes committed before and since the passing of the Act abolishing capital punishments in certain cases; and though these may not warrant us in coming to any conclusion as to the decrease of crime, certainly they do not support the argument that, by taking away capital punishment, crime has increased. I will take the best instance to prove this—namely, forgery—because that was an offence formerly punished capitally, and, with two exceptions, now punished only with transportation. It will be in the recollection of many Members of the House, that an attempt was made many years ago to abolish the punishment of death for forgery; and I think a Bill to that effect was read a third time; but Lord Castlereagh said he would take the sense of the House on the motion that the Bill do pass, and on a division the Bill was lost. A similar Bill passed the Commons in 1830; but Lord Lyndhurst, in a speech of great ability and knowledge, stated the objections he had to it in certain cases, particularly forgeries on stock and checks.

On that occasion—the 1st of July, 1830—Lord Lyndhurst said:—

> "From returns which he had seen, and the accuracy of which there could be no reason to doubt, it appears that the transactions of twenty bankers in bills and checks, in three days of the last month, amounted to no less a sum than 9,000,000*l.* sterling. The transactions of four banking-houses in the same way, in the course of one year, amounted to not less than 500,000,000*l.*; and the transactions of twenty other houses, within the same time, were not less than 1,000,000,000*l.*, a sum greater than the amount of the national debt.*"

That was argued by Lord Lyndhurst in the House of Lords; and the argument that they ought not to put in jeopardy so great an amount of property, and thereby shake the public faith in commercial transactions, had the desired effect, and on a division Lord Lansdowne, who brought in the Bill, had only twenty-two peers to vote with him, while there were seventy against him. Again, Lord Denman, when Attorney-General, brought in a Bill relative to the abolition of capital punishment, and it passed, with the exception of an alteration made in the Lords, by which forgeries on powers of attorney and wills were excluded from its operation. In order to see the effects produced by that Bill, I have taken the average of three years before the passing of the Bill and three years after. The number of persons committed in the three years previous to 1833 was 155, and the three following years it amounted to 210. In the first instance only fifty-eight per cent. were convicted, and in the latter period the number convicted was seventy-one per cent. In the former, the proportion of persons acquitted was twenty-eight four-tenths, and in the latter it was twenty-one four-tenths. From this it appears there is no great increase of the number of offences, while the number of convictions is materially increased, and the reason for the increase of the commitments may be attributed to the diminution of the reluctance to prosecute when the offence was capital. The following is the number of commitments since the passing of the Bill, distinguishing those forgeries which are not capital and those which are capital:—

> "A Comparison of the Forgeries committed still Capital with those that are no longer so.
>
> "The Act abolishing the punishment of death in certain cases of forgery was passed in August, 1832. The only exception made in the Act was relating to the forgery of wills, and powers of attorney for the transfer of stock, or receipt of dividends.

"1833.	The capital cases not separately distinguished	
1834.	Commitments for forgery, not capital	58
——	Capital (forging a will)	1
1835.	Commitments for forgery, not capital	63
——	Capital (forging a will)	1
1836.	Commitments for forgery, not capital	54
——	Capital (forging a power of attorney for the transfer of stock)	1

And in the course of last year I received a letter from a solicitor, stating the following results:—

> "Particulars respecting the Increase or Decrease of Forgery, drawn from the letters of the Solicitor to the Society for Prosecuting Forgery.
>
> "The Report states the number of forgeries committed on the twenty-four firms, which are members of the London Bankers' Association, from the commencement of 1832 to March 1835.
>
> "From January to August, 1832, when the capital punishment was abolished, seven forged cheques were issued.
>
> "From August, 1832, to August, 1833, forty-eight forged cheques and bills of exchange were issued; eighteen of which were traced to be the work of one forger.
>
> "From August, 1833, to March 1835, twenty-five forged cheques and bills of exchange were issued.
>
> "In the first period the number of forgeries averaged less than one per month; in the second four per month, or, exclusive of the eighteen forgeries committed by one person, 2½ per month. But in the last period they have averaged 1¾ only."

Now, when we consider the awful infliction of capital punishment that used to take place for forgery, it is consolatory to think that that capital punishment can be done away, without increasing the number of offences, and, at the same time, increasing the security of the bankers and persons engaged in trade and commerce. I should state, that a case came before Lord Denman, where a man was tried for the capital offence of forging a power of attorney; that person forfeited his life; and, before the matter came before his Majesty in Council, I received a communication, in the name of a considerable body of the bankers of London, stating their objections to capital punishment; and also a letter from the Governor of the Bank of England, who said that, though the bank directors did not consider it their duty to interfere, they had no wish to press the capital punishment. This is a proof that we may safely proceed in mitigating the punishment; and that the two exceptions, as to forging wills and powers of attorney, may be done away with. With respect to the other offences, I will read to the House the number of commitments, and the proportion of the acquittals to the convictions; and when it is considered that the change of the law has not had the effect that some persons anticipated,—that there has been no great increase of crime, and that the time has gone by when one out of 100 or 200 was uselessly deprived of life, all, I am sure, will rejoice at such a happy result. In the return to which I beg the attention of the House some facts are stated which illustrate my argument. The noble Lord read the following account of the "Number of Commitments for Offences from which capital punishment has been taken away, for three years before and since the alteration of the law," and of the proportion of convictions to acquittals and non-prosecutions for the like offences and periods, commencing from the year, 1827, when Sir Robert Peel's Acts for the consolidation and amendment of the Criminal Law were passed.

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* Hansard, New Series, Vol. xxv. p. 843.

OFFENCES.	Total of 3 years preceding.				Total of 3 years following.			
		Centesimal proportion.				Centesimal proportion.		
	Number Committed.	Convicted.	Acquitted.	No Bill and no Prosecution.	Number Committed.	Convicted	Acquitted.	No Bill and no Prosecution.
Capital Punishment abolished 1832.								
Horse-stealing	540	74,6	18.2	7 2	555	73.7	19.5	6,8
Sheep-stealing	787	67.3	22.8	9.9	716	72.1	19.1	8.8
Larcency in a dwelling-house	422	69.6	20.4	10.0	526	75.1	17.5	7.4
Forgery (except of Wills and Powers of Attorney to transfer Government Stock.	155	58.1	28.4	13.5	210	71.0	21.4	7.6
Coining	14	50.0	50.0	—	39	71.9	23.0	5.1
Capital Punishment abolished 1833.								
Housebreaking	2150	76.0	16.6	7.4	1578	77.8	15,9	6,3
Capital Punishment abolished 1834.								
Returning from transportation *								
Capital Punishment abolished 1835.								
Sacrilege *								
Letter-stealing *								
Total	4068	72.7	19.0	8.3	3624	75.2	17.7	7.1

From these statements (the noble Lord continued) it appears that there is a clear increase in the number of convictions, as compared with former periods, and no considerable increase in the number of commitments. With these facts before us, I think we may proceed safely to relax the severity of the law still more in accordance with public feeling; for it cannot be denied that there is a strong feeling among almost all classes that the number of capital punishments should be diminished. I find that expressed in strong terms by several gentlemen who were examined before the Criminal Law Commissioners. Mr. Harmer particularly stated that he had had great experience in criminal trials, and was well acquainted with the feelings of the public—that there was a general wish for a diminution of capital punishment; and in accordance with that in his opinion, it might be proper to limit capital punishment, to murder, arson, burglary, highway robbery, if accompanied with violence, and cutting and maiming, an offence made capital by Lord Ellenborough's Act. Mr. Harmer stated also that he had been often present when criminals received sentence of death, and that they were often less affected on such occasions than the audience. That was another reason for a further relaxation of the punishment. There is a feeling rising up in the public mind, and among judges and

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* In these offences the numbers are so few, and the period since the abolition of the capital punishment so short, that no useful results can be shown.

jurors, different from that entertained by the persons convicted; the consequence of which is, that while the punishment of death does not deter many from committing crimes, it prevents prosecutions from being successful. The law, in such a case, operatesless against those whom it was framed to punish, than against those for whose sake it was to be carried into effect. I may add, that great alterations have been made in the criminal law of almost all the states of Europe, and in the United States of America the number of offences for which capital punishment is inflicted is very restricted. It appears, from the evidence of Mr. J. Vickery, that in the state of Massachusetts it is limited to high treason, murder, robbery with a dangerous weapon, violation of a child under ten years of age, arson if the house is inhabited, and burglary with violence. I need not go through the list of offences for which capital punishment is inflicted in the other states of the union; I may merely mention that in one of them it is confined to murder. In Bavaria and Prussia the number of capital punishments has also been greatly diminished. In France there has been a similar diminution; encouraged by these examples, as well as by the effects of limiting capital punishments, I will now proceed to state to the House the means that may be adopted for further ameliorating the law. There are two ways in which the number of capital punishments may be diminished, one by a stricter definition of the crime, and by saying that no crime shall be capital unless so defined; and a second, by leaving it to the jury to say generally whether it is an aggravated offence, and merits capital punishment. The latter is the mode adopted in France, and the following statement will show how it operates in that country:—

> "While the capital punishments have in many cases been abolished in this country, changes of a similar nature have been effected in the French laws. By a recent modification, juries are permitted to attach to their verdicts a spontaneous declaration of circumstances in extenuation (*circonstances exténuantes*), and thereby to proportionate the sentence to their opinion of the crime. This change, the minister states in his report, experience has proved to have had an influence on the truth of the verdict, and to have greatly lessened the practice of juries giving a verdict at variance with the evidence (which has been a common practice also of English juries) solely with a view of reducing the severity of the sentence; and he remarks that the law has gained in certainty what it has lost in severity."
>
> "The numbers capitally convicted and executed in France in the three last years, published in the tables, as compared with the same three years in England, were—

IN FRANCE.

1832.	Sentenced to death	90—	Executed	41
1833.	Ditto	50—	Ditto .	34
1834.	Ditto	25—	Ditto .	15

ENGLAND AND WALES.

1832.	Sentenced to death	480—	Executed	34
1833.	Ditto	520—	Ditto .	34
1834.	Ditto	494—	Ditto .	17

> In 1826, the numbers capitally convicted in France were 150, of whom 111 were executed."

By this statement it appears that the number of capital punishments has decreased; but it must be evident to every one, that by giving the jury the power to say whether the offence is extenuated or aggravated, and by deciding in what cases the capital punishment shall be inflicted, the law is made totally uncertain. And it is uncertain, not as regards the Crown or the Judges, but as regards the individuals who compose the jury. Different juries might take different views of the same crime; and the difference might be carried so far, that though some of them might admit that a man was guilty of the horrible crime of murder, yet they might return a verdict of guilty, under extenuating circumstances, thereby screening him from the capital punishment, making a new law for every particular case, and exercising a peculiar and undefined prerogative of granting mercy or inflicting punishment. It appears that an alteration of this kind never would give satisfaction in this country. Juries, as I have said, would differ in different places, and even in the same place. What might be considered an aggravated case at York, might be regarded in a different light at Exeter, and the consequence would be a demand, on the part of the public, that the law should be better defined; and a question of life and death not left so uncertain. In a letter which I addressed to the Commissioners for inquiring into the state of the criminal law, I stated that I was disposed to follow their suggestions in the report, where they proposed that capital offences should be reduced to—first, high treason; second, murder; third, attempt to murder; fourth, burning of buildings or ships; fifth, piracy;

sixth, burglary; seventh, robbery; eight, rape; leaving out of consideration a nameless offence of great enormity. In the answer which I received from the Commissioners, dated January 19th, 1837, they say:—"The doctrine which we attempted to establish in our report was, that capital punishment should be confined to high treason, and, with some exceptions, to offences which consist in, or are aggravated by, acts of violence to the person, or which tend directly to endanger human life. In carrying this doctrine into practical effect, as well in regard to the capital offences which we have retained, as in those which we have classified as secondary crimes, we have endeavoured to define with precision those acts which now form no part of the crime; but are merely taken into consideration as guides in the apportionment of the punishment, and to constitute them a part of the *corpus delicti*." With respect, however, to high treason, to murder, and to the crimes of violence, I know that, in the opinion of very competent authorities, the definitions of the Commissioners are thought to be capable of very considerable improvement. The answer of the Commissioners thus proceeds:—"We propose by one Bill expressly to abolish capital punishment with respect to all the following crimes, substituting for it a discretionary punishment, varying between transportation for life and imprisonment for five years: these are—first, offences against the Riot Act, 1 George 1st, stat. 2, c. 5, s. 1 and 5; second, rescuing persons committed for or convicted of murder, 25 George 2nd, c. 37, s. 9; third, setting on fire or destroying ships or stores in his Majesty's dock-yards, &c., 12 George 3rd, c. 24; fourth, endeavouring to seduce soldiers or sailors from his Majesty's service, or inciting them to mutiny, 37 George 3rd, c. 70; fifth, administering unlawful oaths or engagements, 52 George 3rd, c. 104, s. 1; sixth, escaping from the Millbank Penitentiary, 59 George 4th, c. 136, s. 17; seventh, offences against the Act for the Abolition of Slavery, 5 George 4th, c. 113, s. 9; eighth, offences against the late Smuggling Act, 3 and 4 William 4th, c. 53, s. 58, 59." Now, Sir, I say generally, that the rule which the Commissioners have taken as the principle of their recommendations (although that rule is certainly not accurately defined), is, that capital punishments should be retained only in cases of high treason, or, with some exceptions, to offences which consist in, or are aggravated by, acts of violence to the person, or which tend directly to endanger human life. They propose to abolish the punishment of death in all cases of forgery, and to modify and restrict the application of capital punishment, and to provide appropriate secondary punishments for—"malicious injuries, burglary, robbery and stealing from the person, burning or destroying buildings or ships, piracy." Then, Sir, with respect to the definitions which the Commissioners have given of these respective offences, I must say, that they were the subject of great, and anxious, and elaborate consideration on their part, and that I have had the advantage of consulting Lord Denman, as well as Baron Alderson, who did me the honour to write me a letter on the subject. On some points those learned judges differed; but they agreed that a more distinct line should be chalked out. I certainly agree generally with the definition of the commissioners; but in some cases it may be desirable to consider whether they have not made too wide, and in other cases too narrow, a distinction. The first class of offences, besides treason, murder, rape, and sodomy, respecting which the Commissioners propose to retain the punishment of death, are—"Administering poison; attempting to drown, suffocate, or strangle; stabbing, cutting, or wounding, or doing actual bodily harm by any other means, manifesting a design to kill; with intent in any of the above cases to murder." Now, as to "doing actual bodily harm," it is proper, perhaps, to take the distinction (although a popular one), between an attempt to murder, where no personal injury has been inflicted, and an attempt to murder where a personal injury has been inflicted. There can be no doubt that when an attempt to commit murder has altogether failed, although, morally speaking, the guilt is precisely the same as if it had succeeded, yet, the offence not having been completed, there is a great difference in the public feeling respecting it, and, therefore, that it ought not, in some cases, to be visited with capital punishment. It is the opinion of Mr. Baron Alderson that shooting at the person should be made capital. In my opinion, instead of "actual bodily harm," there ought to be "grievous bodily harm." Where the injury is only slight, capital punishment ought not to follow. It may be contended, that the question as to "grievous bodily harm," will be a subject for medical, rather than judicial inquiry. But the law, as it now stands on that subject, is very defective. By Lord Ellenborough's Act, any person stabbing, cutting, or maiming another, with intent to commit murder, was held to be guilty of a capital offence. It has been held, however, that if an injury were inflicted by a blunt instrument, that that was not within the meaning of the Act. And in this country there are so many capital offences, that judges and juries are always disposed, if they can, to soften the application of the law. In his consolidation of the criminal law, the right hon. Baronet introduced the word "wounding," to obviate this defect; but at the April Old Bailey Sessions, in 1834, a man was indicted for maliciously wounding a peace officer, by biting of the end of his finger, with intent to resist his apprehension. He was convicted by the jury; but a doubt having arisen upon the construction of the words of the statute, whether this act was a "wounding," the question was reserved for the opinion of all the judges, who held, by a majority of seven to six, that, in order to constitute a "wounding," so as to bring the offender within the 9th George IV., c. 31, the injury must be inflicted with some instrument. Another instance occurred in a case tried before Lord Denman, at the summer assizes for Somersetshire, in 1834, in which a man, with the deliberate and avowed purpose of destroying his wife, had assaulted her with a heated poker, had beaten her furiously till she was insensible, and had actually set her clothes on fire, when he was prevented from killing her by the interference of the neighbours. Though the bruises and burns occasioned by this ferocious assault had nearly produced death, no incised wound was inflicted, and, therefore, as the case did not fall within any of the clauses of the statute, the culprit could only be punished for an aggravated assault. Now, this I take to be a great defect in our criminal law, which ought to be remedied. For the purpose of remedying it, the Commissioners recommend the introduction of the words, "or shall by any other means whatsoever, manifesting a design to kill, do actual bodily harm, with intent to murder." The other offences respecting which the Commissioners are of opinion the punishment of death should be retained, are—"Burglary, accompanied by an attempt to murder, or by stabbing, cutting, wounding, beating, striking, or any other personal violence to an inmate of the house broken into; robbery, and attempts to rob, accompanied by cutting, stabbing, wounding, or doing actual bodily harm, with any offensive weapon or instrument; setting fire to any building with intent to murder, or to any dwelling-house actually inhabited, or to any building, parcel of such dwelling-house, or adjoining thereto." It is obvious, Sir, that these three classes of offences, although brought under one head, are very different in their nature; and that a line should be drawn with respect to them. I am satisfied with respect to the first two, that it would tend to produce more convictions, as well as to prevent much personal violence, if, where there was no violence, and where no weapons of destruction were found, a punishment less than death should be inflicted. With respect to breaking into houses at night, however, and disturbing the peaceful rest of the inhabitants, that certainly may be a fit subject for capital punishment. It is, however, in my opinion, desirable, to abolish the punishment of death for the offence of setting fire to stacks. It is certainly a great offence; and if I thought the continuance of the punishment of death would be effectual in checking it, I might hesitate; but I am persuaded, on the contrary, that the punishment of death prevents the conviction of many offenders. The compassionate feeling of the farmer induces him not to prosecute—that of juries not to find guilty. I was one of a small number who, in 1835, supported the abolition of capital punishment for this offence. Ten persons have been convicted of the offence, of whom seven have been executed. Although many hundreds have been committed, only sixty-four have been brought to trial; and, as I have already stated, only ten have been convicted—so strong is the prejudice against capital punishment for that offence. The remaining offences to which the Commissioners recommend that the punishment of death should still attach are—"Setting fire to, casting away, or destroying ships, with intent to murder, or whereby life is endangered; exhibiting false lights or signals with intent to bring ships into danger, or doing anything tending to the immediate loss or destruction of ships in distress; piracy, accompanied by an attempt to murder, or by stabbing, cutting, or wounding." Having thus disposed of the offences with respect to which they are of opinion that the punishment of death should be retained, the Commissioners proceed to specify those offences, now capital, for which, in their opinion, appropriate secondary punishments ought to be substituted. Among these are—"Attempting to administer poison with intent to murder; shooting at, or attempting to discharge loaded arms with the like intent; shooting at, or attempting to discharge loaded arms with intent to maim, disfigure, disable, or to do grievous bodily harm, or to resist lawful apprehension for a crime; stabbing, cutting, or wounding, with the like intent." They also recommend a secondary to be substituted for capital punishment for various cases of burglary, and for an offence analogous to burglary, viz., stealing in a dwelling-house, any person therein being put in fear. The next point, however, to which I wish to call the attention of the House is the nature of the secondary punishment which the Commissioners wish should be inflicted on the offences I have just mentioned. I must say that I entertain considerable doubt whether the system of transportation ought to be continued as it has been carried on of late years. In theory it seems highly desirable to remove an offender to a great distance from the place where he committed the offence, and to leave him in that new country with means which may enable him to support himself by his labour. And I think that with respect to many offences, the punishment of transportation is the best that can be inflicted. But I propose, not only as the result of my own investigations of the subject, but in accordance with the opinions of the Governor of Van Diemen's Land, and the Chief Justice of New South Wales, that no person shall be transported for any period less than ten years; it being found that persons transported for a less period were unruly, insolent and disobedient. The next period of transportation which I propose is for fifteen years; and the last for life. I must, however, inform the House that it may be necessary at no distant period to abridge the number of persons sentenced to transportation. The accounts of the manner in which that punishment is carried on are very unsatisfactory. The great fault is, that the four or five thousand persons who are sent out every year to New South Wales are not absorbed in the general population, but form a large and vicious separate mass. Crime and vice are there on the increase to a most lamentable extent, and after a short time these convicts, instead of undergoing punishment, become possessed of, and are admitted to, the enjoyment of great indulgences, and it also frequently happens that they there commit worse crimes than those for which they were originally sent out of this country. The letter addressed to the Commissioners by the Chief Justice of Australia, and the evidence of Colonel Arthur, both show the very unsatisfactory results of the system at present carried on. It appears by the letter of the Chief Justice that, according to the present practice, when a number of convicts are sent out, they are, on their arrival, immediately assigned to individuals; that moment the convict becomes, to a certain degree, the slave of his master—and if that master happens to be of a kindly indulgent disposition, the convict suffers but slight punishment; while, on the contrary, if the convict is assigned to an individual of a different temperament, the punishment, in all probability, is severe to a degree. And that although a saving of expense is thus effected, still the inequality of treament renders transportation a most uncertain mode of punishment. It would, then, be most desirable to define some remedy for this great uncertainty—in order to which I should propose that a certain hour of labour in the chain-gangs, or otherwise, be allotted to the convicts, and that they should afterwards receive indulgences only according to their conduct. But if such a regulation were adopted, it would, I believe, require an alteration of the law; for when the noble Lord opposite (Lord Stanley) was Secretary for the Colonies, he gave an order of this kind, but it was then found that, without some legislative enactment, it could not legally be acted upon. I cannot here avoid quoting a statement of Colonel Arthur's, contained in a letter addressed to Lord Goderich, in answer to Archbishop Whately's views on the subject of punishment by transportation. Colonel Arthur was well acquainted with the working of the system in Van Diemen's Land, and he said—"That the crimes of the convicts continually involved the settlement in trouble, though the discipline of Van Diemen's Land was carried to a much higher extent than could ever have been contemplated.

The colony might be travelled by night or by day; and there were amongst the inhabitants very many to be found always ready to support the Government in any exigency. Many of the convicts were much reformed under kind and considerate masters; but there was, nevertheless, so much peculation amongst them, so much disobedience of all lawful authority, and so much dishonesty, as to demand continual reference to the magisterial authority. If a case occurred which was at all of a serious nature, the master of the convict was bound to appear, and, in addition to the injury which he thus sustained, he had to suffer in various ways. There could be no question that things might be made much better than they really were. Under the present system the masters of the convicts or servants overlooked these frauds and acts of peculation rather than take the trouble to punish the offender." Now this it must be admitted is an extremely unfavourable picture of the proceedings in the colony; and if applied only to a small number of men, it might be considered that by a more rigid system of discipline these evils might be overcome; but when we reflect that this is a colony containing 100,000 persons, and that we send 4,000 or 5,000 convicts out every year, the obvious consequence must be to make that colony, in time, the most depraved community that has ever been seen in the world. I think, therefore, that it will be necessary before long to take some steps, not to abolish transportation altogether (for I do not go the length of Archbishop Whately,) but to make some change in our present mode of proceeding, and restrict transportation to certain classes of criminals and to certain offences. I will not go into all the evils which now exist in the colony, and I will therefore only state that the system of transportation as it at present prevails, if looked at on the score of economy only, is objectionable, inasmuch as it costs the country from 350,000*l.* to 400,000*l.* annually. The system requires the maintenance of a considerable force both in New South Wales and Van Diemen's Land, where the troops are of necessity far removed and remote from any service to which they might otherwise be occasionally required. I think that with respect to those grave offences for which the penalty is now transportation, we should, rather than diminish the term, establish the rule that no person should be transported for a less period than ten years. With regard, too, to the periods of imprisonment, I am sorry to say I cannot agreee with the Commissioners. Sir, the Commissioners have proposed that ten years shall be the *maximum* duration. I think that five years is the longest period to be named; and I am convinced that the effect of a ten years' imprisonment must be only to harden the criminal, and to destroy his powers and the capacities of the mind; and I hold, moreover, that it is a punishment the infliction of which, in some cases, is worse than death. Sir, in that opinion I know one, at least, if not more of the learned judges coincide; and I shall certainly not be disposed to leave in the hands of any men the power to inflict a punishment of ten years' imprisonment. I may here observe that this is a punishment unknown to the common law, and in only one case is it known in the statute-book, and never has it been carried into effect. I allude to the act which refers to the Penitentiary at Millbank, by which it is enacted that if any person should be sentenced to be transported for life, he may under certain circumstances be retained in the Penitentiary, and imprisoned there for ten years. But what is the fact? Why, that up to the present moment few have been retained there for more than four years; and, from what I am generally told, I do not believe that any case has occurred in which the punishment has been extended beyond that period. This experience, then, shows us, beyond dispute, that imprisonment is not a punishment the duration of which should be increased in this country. But, Sir, I cannot help thinking that there is great room for improvement in our system of punishment by imprisonment. I observe on looking to the last year, in order to make a comparison as between this and foreign countries in respect to the duration of imprisonments, that the instances are very rare indeed in other countries where imprisonment has exceeded two years. Now it will be curious to contrast the number of punishments for larceny in this country and France. The following is the state of committals and convictions in France and England, for a period of two years, for simple larcenies, viz. :—

IN FRANCE.

Committals	15,020
Convictions	11,568
Imprisonment for one year and upwards	3,646
Under one year	6,861
Fined	771
Infants sent to a House of Correction	290

IN ENGLAND.

Committals	11,597
Convictions	8,591
Transported for life	64
Ditto 14 years	225
Ditto, 7 years	1,451
Imprisoned for 2 years and above 1 year	83
Imprisoned for 1 year and above 6 months	698
Imprisoned for 6 months and under	6,023
Whipped, fined, &c.	47

Now, I should say it is most desirable (and I am happy to say that steps are now taken by the magistrates of counties and the magistrates in the different cities and boroughs in the kingdom) to make such regulations and arrangements in those prisons in which the punishment of imprisonment is inflicted, that there may not be the same risk of contamination amongst the various classes of prisoners. Nothing can be worse, or militate more against the diminution of crime, than the sending such persons as may have committed small offences into a prison to associate with more hardened offenders, and where, perhaps, they have to wait a long time before they are tried; or even if they are in an ill-regulated prison for a short time only the result is equally bad, because, if you take the better sort of individuals, say young persons or others who are committed to prison for the first time, and who are ashamed at the first moment of the crime which they may have committed, we send them to overhear and to mix in conversation with prisoners of the most abandoned characters. This is exactly the way to confirm these persons in bad habits; you take them from the society in which they were, in which honesty is held up and crime condemned, and you send them to a prison, where every person with whom they are compelled to associate, from the want of classification, holds up crime for imitation. Now the first thing you must do will be to adopt a better mode with respect to this class of persons, and to give them encouragement to pursue that honest course which they had formerly followed. Sir, there has been a great difference of opinion amongst many Gentlemen, as opposed to the recommendations of the inspectors of prisons, with respect to the two modes of punishment, the one being the silent system, and the other the separate system. I own that I consider both these systems to be great improvements on the former mode of prison discipline. But one great fault in the silent system is, that it requires a great deal of punishment to enforce its observance, and therefore it has the effect of irritating and provoking the prisoners. I have heard of a case in one large gaol where the silent system is kept up where the number of punishments was upwards of a thousand in one month. I am convinced, however, that by adopting one or other of the fixed terms of imprisonment, as the punishment for those offences which are not characterised by atrocity, those offences will be more properly punished by imprisonment than by transportation. I do not intend at present to bring in any measure either with respect to transportation or to imprisonment; but as I wished to state my views with reference to capital punishments, I thought it would be only proper to bring under the attention of the House, for further consideration, the subject of the punishments which are now adopted. I propose to bring in several Bills, because it is the opinion of several persons that whilst some of these questions require consideration, such as that of piracy, still they may be postponed for the present. For this purpose I have divided the subject into several Bills in order to take the course which has been suggested to me. One Bill will be to abolish the punishment of death in all cases of forgery; another for the same purpose in the case of offences against the person under certain circumstances; another to abolish the punishment of death in cases where it now exists; another is to abolish the punishment of death for robbery committed on the person; another for the same purpose in the case of burglary; and one relates to piracy and the destroying buildings or ships. I should say likewise that it is my intention to propose to bring in a Bill with respect to more than one law passed of late years. When the capital punishment was abolished, transportation for life was substituted for it in certain cases, but that is found to be a most impolitic and a most inconvenient practice. There are offences, as has been once mentioned by Lord Lyndhurst, which came under this head; such as sheep-stealing (which was formerly a capital offence), and others slight in themselves, but where the judge is obliged to pass the sentence of transportation for life. Now, the consequence of this has been of late years, since I became the Home Secretary, that the sentence of the court is the sentence according to the law, namely, transportation for life; but the judge communicates with the Secretary of State as to whether a discretion shall be exercised and the prisoner shall be really sentenced to be transported for fourteen years, or seven years, or to two years' imprisonment, as the case may be; and I have always advised the Crown to comply with the wishes of the judge. Therefore the effort of the judge is not to carry into effect an unjust sentence, but the object seems to be to keep from the knowledge of the public the nature of the sentence which is really inflicted. Thus we have one sentence in court given according to law, and another is, in fact, practically put in force. But sometimes there is the chairman of a quarter sessions who pronounces the sentence, and these gentlemen have informed me that they have not themselves been allowed to make an application to the Home Secretary. I have appealed to some chairmen, and I have then found that they had not applied to the Secretary of State; but they have assured me that if they had known there was a discretionary power, they would not have passed such and such a sentence. That, Sir, is an injustice and an inconvenience, and therefore I seek to repeal that part of the law, and to give a discretionary power in other cases. I shall likewise propose to bring in a Bill to abolish the punishment of the pillory—a punishment which is never inflicted. These are the measures which I now propose to introduce. I am aware that I have detained the House for a long time in making this statement; but I did think it my duty, in proposing such important alterations in the law, to give this mere outline of the changes which I propose to introduce, in order that they may be maturely considered. We have seen of late years very considerable alterations made with respect to our criminal law. Sir Samuel Romilly and Sir James Mackintosh led the way to mitigate its severity, and put into the strongest light the faults, the absurdities, and the imperfections of our former code. The right hon. Gentleman opposite (Sir Robert Peel) has consolidated the various enactments on this subject, and by bringing them from the various statutes through which they were dispersed, he has brought them together, so as to make them more consistent and uniform, in order to enable the country and the world at large to know what is the law; and he has made a great improvement in that law. My noble and learned Friend, Lord Denman, the hon. Member for Maldon (Mr. Lennard), and my hon. Friend, the Member for Liverpool (Mr. Ewart), have likewise introduced Bills to mitigate the severity of the criminal code. It has always seemed to me only proper that when a commission had been appointed by the Crown to revise and consider the criminal law, they should take into their view, in as comprehensive a manner as they could, the bearing of these different laws; and I shall be guided by the opinions of those whose opinions have been confirmed by former reports on this subject, and by those who administer the laws, in respect to any further alterations which may remain to be made. I do not anticipate that, with some few exceptions, such as in the cases of arson and burglary, the practical mitigation of the law will be carried much further than it is at present. There have been prodigious changes made in our criminal law as administered in all criminal cases, in proof of which I will read a statement of the average number of executions from the year 1805. Sir, the following is an account of the average number of persons executed at different periods from 1805 to the present year :—

From 1805 to 1811	average of 7 years	57
1812 to 1818	ditto	90
1819 to 1825	ditto	82
1826 to 1832	ditto	59
1831 to 1833	three years	46
1834 to 1836	ditto	28

Is it not, Sir, I ask, most satisfactory to find that we shoul dhave thus reduced the average number of deaths more especially in reference to the last seventeen or eighteen years? But I do think it a disgrace to us to have statutes by which five hundred persons may be condemned in one year; and I think that the feelings of the learned judges, the merciful consideration of the Crown, which was so universally exercised in all cases where it could be, ought to be sanctioned by Parliament, and that we ought not to be behind other nations in mitigating the severity of our criminal code; but that we ought, moreover, to endeavour by every means to prevent crime in future periods by better and more certain methods of punishment. The noble Lord concluded by moving for leave to bring in Bills to abolish the punishment of death in cases of forgery; to abolish the punishment of death in certain cases to amend the laws relating to offences against the person; to amend the laws relative to robbery and stealing from the person; to amend the laws relative to burglary and stealing in a dwelling-house; to amend certain Acts relating to the crime of piracy; and to amend the laws relative to the burning or destroying buildings or ships.

Mr. *Hume* felt highly gratified at the statement just made by the noble Lord, and was satisfied that the whole country would participate in that feeling.

Mr. *Ewart* cordially approved of the measures as far as they went, but regretted that the principle of mitigation was not carried much further, as he thought it might have been. The hon. Member was proceeding to detail his views upon the subject, when it was moved that the House be counted; but, at the solicitation of the Chancellor of the Exchequer and Lord John Russell, the motion was withdrawn, and the hon. Gentleman was allowed to conclude his observations.

Leave given.

Tobacco Duties.] Mr. *Ewart* rose to bring forward his motion for a reduction of the tobacco duties; but it was immediately moved that the House be counted.

House counted out and adjourned till Monday, the 3rd of April.

HOUSE OF COMMONS,

Monday, April 3, 1837.

Minutes.] The House of Commons met to-day agreeably to the termination of the Adjournment for the Easter Holidays; but there not being Forty Members present, it was Adjourned.

HOUSE OF COMMONS,

Tuesday, April 4, 1837.

Minutes.] Petitions presented. By Mr. Wallace, from Cupar, for the Conveyance of the Mail direct through Fife. —By several Hon. Members, from various places, complaining of the advantage enjoyed by the Proprietors of the Post-office Shipping Gazette over the Proprietors of similar Publications.—By Mr. Wallace, from Greenock, complaining of the Exportation of Foreign made Biscuit and Flour in Bond as Merchandise; but in reality for the consumption of the Ships' crews.—By Mr. Hindley and Lord Granville Somerset, from Monmouth and another place, for Reduction of the Duty on Tobacco.—By several Hon. Members, from various places, for Repeal of Duty on Soap.—By Mr. Hume, from Collonsay, Argyleshire, complaining of Distress.—By Colonel Thompson, from several places, for Repeal of Corn-laws; and from Kingston-upon-Hull, for County-rates Bill.—By Mr. G. F. Young, from Tynemouth, for Repeal of Duty on Marine Insurances.—By Mr. Fox Maule, from Aberfeldy and Coupar Angus, for Small Debts (Scotland) Bill.—By Lord G. Lennox, Mr. Brotherton, and other Hon. Members, from Radford, Wakefield, Wigan, and various other places, for Amendment and Repeal of Poor-law Act. —By Mr. Ramsbottom, against Repeal of the said Act.— By several Hon. Members, from various places, against the proposed measure for Repeal of Church-rates.—By several Hon. Members, from various places, for the Abolition of Church-rates.

Primogeniture.] Mr. *Ewart* rose to renew the motion which he made in vain last Session—that landed property should be made subject to the same laws as personal property, and that in cases where the deceased left no will (and where there was no settlement to the contrary) landed property should, like personal property, be equally distributed among the children or the next relations of the deceased. He believed this to be a subject which, if it did not now interest, would some day certainly interest, the nation. As the merits of feudal prejudice and error were dispelled it would be clearly seen how this proposal was fraught with justice, good policy, and truth. Last year when he made this motion he received no answer, or, if his opponents gave him an answer, they were guiltless of giving him any reason. The Attorney and Solicitor-General ought really to blush for the sophistry with which they met the proposition; and, if he thought the Attorney and Solicitor-General could blush, he should have respectfully asked them to do so on that occasion. But he would come to the point at once with those learned and hon. Gentlemen—he would plunge *in medias res*, and demand distinct answers from them on the practical legal advantages which he maintained would flow from the proposed alteration. First, he would ask them whether it would not in frequent instances prevent injustice, and carry into effect the real intentions of the deceased? The Solicitor-General said last year that this measure would only meet one case in a hundred. If the hon. and learned Gentleman had pursued his inquiries during the recess, he would find that he had been mistaken. Such cases were familiar. But he would only refer the law officers of the

Crown to a most able treatise (in which their reasoning was triumphantly refuted) by Mr. Bailey, the distinguished author of the "Rationale of Political Representation." That Gentleman had pointed out cases, which in any town in the kingdom it was easy to do, of gross injustice resulting from bestowing all the freehold landed property on the eldest son only. As this was a matter of allegation and proof, he (Mr. Ewart) would cite the cases put by that Gentleman, and leave the Attorney and Solicitor-General to deal with them as they could. One case was this: "J. P. purchased a freehold public-house, and some cottages adjoining, for 1,500*l.* and borrowed on mortgage 800*l.* He died suddenly, intestate, leaving seven children. The eldest son took out letters of administration, sold all the personal property, and after liquidating the few simple contract debts of the deceased, paid off with the remaining proceeds the mortgage on the freehold estate, and took possession of it as heir at law. His brothers and sisters were left entirely destitute, and were obliged to have recourse to the parish." I ask the Attorney and Solicitor-General whether this is not a case in which justice, and the probable intentions of the deceased, were defeated; and I respectfully pause for their reply. Again: "A. B. a thriving manufacturer, bought the fee simple of the premises on which he carried on his business. He expended a considerable sum in improvements, and, in doing so, contracted debts. Had he lived he would in all likelihood have discharged these debts, and realised a handsome fortune. But he died suddenly, intestate, leaving two sons. Nearly the whole personal property went in paying off the debts contracted in improving the freehold; and unless the elder son, on coming of age, acts with a justice beyond the law, his brother will be left in a state of destitution." Again, I put this practical case, founded on fact, to the Attorney and Solicitor-General, and I wait for their demonstration of the justice of the existing law. But I abstain from citing further cases. I refer my hon. and learned Friends to the book, and to the irrefragable assertion which it contains, that instances such as these abound. I proceed to another legal point; and I ask the Attorney and Solicitor General this question—would it, or would it not, be a public good that the law respecting the two species of property should be uniform? What can be more absurd than that, of two species of property, differing not in essence but in name, one should descend all to the eldest son, while the other is divided equally among the children? Such is the law as it stands at present. A man possesses a freehold, and a leasehold property for 999 years. What is the essential difference between the two? Yet the freehold property goes exclusively to one; the 999 years' lease is equally distributed among all the children. But the author already cited had put this absurd inconsistency of the law in making the descent vary according to the tenure (or rather according to the name) of the property in so striking a point of view that he (Mr. Ewart) could not do better than give his description to the House: "A merchant dies without a will; he leaves a share in an old inland navigation company worth 2,000*l.*; this (by the inconsistency of the law) is deemed freehold estate; consequently, the eldest son takes it all. He leaves, further, 2,000*l.* worth of shares in a modern canal; this is all deemed personal property, and goes among his children equally. He leaves a freehold mansion worth 4,000*l.*, subject to a perpetual rent charge; this goes entirely to the eldest son. And he leaves a warehouse worth 4,000*l.*, built on land leased for 999 years; this is divided equally among the children." Again he asked the hon. and learned Gentleman whether the law should not be uniform? Did they admit it? They would not say that the personal property should all go to the eldest son, like landed property. Then they could only come to the same conclusion with himself (Mr. Ewart), and make landed property (in cases of intestacy) descend in the same just and equal manner with the personal estate of the deceased. Another question on the legal bearing of this proposal he would put to the hon. and learned Gentlemen. It was this—would it not be better that all property, landed like personal, should pass through the executor or administrator, instead of passing the real property through the heirs of the deceased, and the personal property through his executor? The executor and administrator are easily found; they are recognised representatives; the heirs may be scattered in different localities, or they may be unknown; this uncertainty involves litigation. Uniformity and economy would be at once consulted by using, for both species of property, the same channel of conveyance, and adopting, as the representative both of landed and personal property, the executor or administrator of the deceased. On this point, also, he expected the answer of his hon. and learned Friends; and unless their affection for Chancery suits dimmed their intellectual vision (which he could not believe) he should have their answer in the affirmative. But it was by no means to mere legal amendment that the operation of this change would be confined. It was better for the commerce of the country that land should be subject to the same laws, chargeable with the same obligations, and descendible in the same manner, as personal property; that it should have the same rules of interchange and distribution, and be endowed with no qualities of artificial accumulation. In a more comprehensive and political view of the question he would ask what civilised nation had not approached, more or less, to the principle of equal distribution? Such had been, in a greater or less degree, the law of the ancients; such was the law of the most enlightened modern nations. "In the code of Justinian," says Gibbon, in his celebrated view of the Roman law, in the 44th chapter of his "Decline and Fall," "the insolent prerogative of primogeniture was unknown; the two sexes were placed on a just level; all the sons and daughters were entitled to an equal share of the patrimonial estate." The same view is taken by the most eminent writers on the science of legislation. He would refer them to the pages of Filangieri and of Bentham. Or, if they wished for an authority to which both parties would look with reverence, he would cite the words of Adam Smith, who said (in his "Wealth of Nations"), "This natural law of succession took place among the Romans, who made no more distinction between elder and younger, between male and female, in the inheritance of lands, than we do in the distribution of moveables. In the disorderly feudal times the security of a landed estate depended on its greatness. Hence the origin of the law of primogeniture. In the present state of Europe the proprietor of a single acre is as perfectly secure of his possession as the proprietor of a hundred thousand." And this is manifestly the view taken of the origin of primogeniture by Burke in his "History of England." But, perhaps, Gentlemen preferred a legal authority on this subject. If so, let them turn to the pages of Blackstone. In the second volume they will find this passage: "The too great accumulation of property is the natural consequence of our doctrine of succession by primogeniture, to which the Athenians were strangers. Of this accumulation the ill effects were felt even in feudal times: but it should always be strongly discouraged in a commercial country, whose welfare depends on the number of moderate fortunes engaged in the extension of trade?" Let me ask (said the hon. Gentleman) whether the sense of property, the feeling that he has something which he can call his own, is not a natural bond which links a man, be he rich or be he poor, to the country of his birth? We acknowledge the truth of this principle in the case of the rich; why should we renounce it in the case of the poor? The feeling of proprietorship is the parent of social freedom and of personal independence. In countries like Norway, and France, and America, where it abounds, you will readily trace its results in the elevated independence of the people. The word "poor" may be familiar there, but the word "pauper" is unknown. Is it or is it not wise to extend to as many of the people as possible an interest in the well-being of the community? If such a policy be generally wise it is much more so in times like these, when education and habits of good order are extending and giving an additional guarantee for the independence and virtue of the less wealthy portion of the people. But, he would ask, were they not themselves recognising this principle in adopting the allotment system? This system of letting out small portions of land to the labouring class was generally approved; and if good conduct and independence were the results of leasing small holdings, the principle must hold equally good, and even be more apparent, when the labourer is a small proprietor instead of being a small tenant. But it is not to the independent character alone, it is to the moral and social feelings engendered by the systems of equal and unequal partibility of property that the legislator ought to look. All experience and the evidence of all writers shewed that, where the system of primogeniture prevails, the bad passions, the more selfish motives are encouraged, while domestic peace and social harmony are the offspring of the principle of equal partibility. He might be mistaken (and he hoped he was): but it was his opinion that when history came to trace effects to their real causes, to investigate not only the outward laws, but the inward manners and habits of the people, much of what was monstrous in the social and political condition of this country would be traced to the prevalence of the law and custom of primogeniture. Around this false principle the evil passions, human interest, selfish motives, the darker feelings which injustice engendered, grew to taint and poison the atmosphere around them. Around the opposite principle of equal partibility you find the household virtues, the endearing affections of domestic life—unestranged by the insolent injustice of an unequal law—the gentler feelings, which at once bind together, and bless and adorn society. He confessed he looked forward to the time when such feelings would be prevalent in this country. At all events, where the testator was silent, let not the law be presumptively unjust. It was something that the principles of the law should teach the people to think rightly—to think justly. With this impression on his mind he moved "That leave be given to bring in a bill, providing that in cases of intestacy (and in the absence of any settlement to the contrary) landed property be equally divided amongst the children or the nearest relatives of the deceased."

The *Attorney-General* said, he felt himself bound to oppose the motion, and could not help expressing a wish that the hon. proposer would turn his time and attention to practical reforms of the law, which would be much more acceptable to the House and beneficial to the public than theoretical propositions. If the arguments of the hon. Member for Liverpool went for anything, they went to support the practice of an equal distribution of property, which prevailed in France. [Mr. *Ewart*, No.] He could not understand the arguments of the hon. Member to have any other bearing. He must say, that he preferred the English law to that of France, as being infinitely the better of the two. The hon. Member for Liverpool had said the latter indeed was calculated to promote domestic peace and filial affection, but he was of a different opinion, and thought that the English law was eminently fitted to produce those desirable effects, inasmuch as it contributed to maintain the proper authority of the parents over their families. The hon. Member had said, that his proposal would simplify the law and reduce litigation. He believed on the contrary that it would create complete confusion, and instead of preventing litigation would increase it fiftyfold. It would require the introduction of an entirely new code of laws, because by the present law of England the distinction between real and personal property was universal; and if a law were passed to destroy that distinction, volumes of fresh statutes would be required to meet the cases, and provide for the consequences of such an alteration. But he would ask, where was the demand for this alteration? The House had received no petitions praying for it; no public meetings had been called to discuss the question and to declaim against the existing law; no, but a pamphlet had been written and because certain speculative opinions had been put forth in that pamphlet, the hon. Member for Liverpool would have the House agree to the great and universal change which he had proposed to make. He would not oppose any change in the existing law which was likely to be beneficial to the country, but he considered that the alteration contemplated by the hon. Member would be highly prejudicial to the interests of the whole community, and therefore he must oppose it. Indeed, it seemed to him, that in this respect the existing law required no alteration whatever. He must add, that he thought no good could result from the introduction of such a bill as the hon. Member asked for into that House; and that, in fact, it would only be wasting that time which might be much more beneficially employed, and therefore he should give his vote against the motion.

The House divided—Ayes 21: Noes 54:—Majority 33.

List of the AYES.

Aglionby, H. A.
Brady, D. C.
Bridgeman, H.
Brotherton, J.
Collins, W.
Elphinstone, H.
Gillon, W. D.
Grote, G.
Hardy, J.
Hawes, B.
Hindley, C.
Leader, J. T.
Lushington, C.
Molesworth, Sir W.
Ruthven, E.
Thompson, Colonel
Thornley, T.
Villiers, C.P.
Whalley, Sir S.
Williams, W.

TELLERS.
Ewart, W.
Roebuck, J. A.

List of the NOES.

Archdall, M.
Balfour, T.
Barclay, D.
Baring, F. T.
Barnard, E. G.
Barron, H. W.
Bateson, Sir R.
Bernal, R.
Blackstone, W. S.
Bonham R. F.
Buller, Sir J. Y.
Dick, Q.
Dundas, hon. T.
Eaton, R. J.
Fector, J. M.
Finch, G.
Forster, C. S.
Gordon, R.
Graham, rt. hn. Sir J.
Houlsworth, T.
Jones, W.
Lennard, T. B.
Lowther, Visc.
Lowther, J. H.
Lygon, hon. General
Martin, J.
Maule, hon. F.
Morpeth, Viscount
O'Ferrall, R. M.
Ossulston, Lord
Palmer, G.
Peel, rt. hon. Sir R.
Rice, rt. hon. T. S.
Richards, R.
Robinson, G. R.
Ross, C.
Russell, Lord J.
Sandon, Viscount
Scott, Sir.E. D.
Sheppard, T.
Sibthorp, Colonel
Somerset, Lord G.
Stanley, E. J.
Stanley, E.
Stanley, Lord
Tracy, C. H.
Trevor, hon. A.
Twiss, H.
Vivian, J. H.
Vivian, J. E.
Williamson, Sir H.
Wrightson, W. B.
Young, G. F.
Young, J.

TELLERS.

Campbell, Sir J.
Rolfe, Sir R. M.

DUTY ON SOAP.] Mr. *Gillon* rose to bring forward the motion, of which he had given notice, for the abolition of the duty on soap. He begged it to be understood that he was induced to take up the subject from no feeling of hostility to his right hon. Friend, the Chancellor of the Exchequer or to the Government, but simply from the conviction that the duty on soap was one of the most oppressive and impolitic that could be imposed. In bringing the subject forward, he calculated confidently upon the support of all the Radical Members, because the measure, if carried, would tend greatly to benefit the poor; and he calculated not less confidently upon the support of the Conservatives, because he remembered that last year they (the Conservatives) brought forward a similar proposition, in opposition to the reduction of the duty upon newspaper stamps. It was his duty in the first place to show that the state of the revenue was such as to admit of the reduction he proposed, and which he admitted was considerable. It appeared, then, that the surplus revenue, on the 6th of January last, amounted to 2,570,957*l.*, and that the duty upon soap in the course of the year produced a gross revenue of 977,067*l.*; a net revenue, after deducting the drawback the expense of collection and other charges, of 779,067*l.* So that after deducting the whole clear revenue paid into the Exchequer arising from the duty on soap, there remained a very considerable surplus of revenue available to the right hon. Gentleman for relieving the people from any other particular burthen which might press heavily upon them. Another reason why the duty on soap should be repealed was, that whereas the duty had gone on rapidly increasing with regard to other articles connected with the excise, the duty on soap was rapidly decreasing. The strongest proof of this was to be found in the fact, that the quantity of soap on which duty had been charged in 1836 was less than 1835; whilst the increase of consumption on other exciseable articles as bricks, glass, malt, paper, spirits, &c—had caused a surplus, even after the reduction of the paper duty, of about 1,200,000*l.*

	lbs.
Quantities of soap charged with duty in 1832, before reduction of duty - - -	143,000,000
Ditto, in 1834 - - -	152,000,000
	11,000,000
Rates of increase per cent. nearly	8,
In 1835 the quantity charged with duty was - - -	160,000,000
Being an increase of 4 per cent. on 1834.	

During the last year ending in January, 1836, there had been a decrease of the sum paid into the Exchequer for duty collected on soap from one to two per cent. and during the quarter ending the 5th of April following the decrease had been considerably greater. This had occurred whilst the country was in a state of unexampled prosperity. The only way, therefore, to account for it was, that the population had been supplied with soap by the smugglers. The facilities for smuggling were many: 1st, the concentrated nature of the alkali now used, as compared to that formerly employed. 2d, the great temptation held out to smugglers — the cost of materials being 57*l.* 5*s.*, of labour, (including coals) 7*l.* 5*s.*, duty 35*l.*—100*l.* for common brown soap. 3d, the number of small manufacturers who took out a licence with the sole purpose of smuggling. 4th, the fact that there were three thousand candlemakers, who had all the utensils and materials on whom there was now no excise survey — these could all smuggle if they chose; 5th, the facilities of intercourse with

Ireland where there was no duty. The report of the commissioners showed the system of smuggling going on there, and the annoyance thereby created to the owners of vessels, who were obliged to give large bonds, and incur heavy losses, from the fraud of other people. So that to defraud the revenue of 35*l.* an expenditure of 7*l.* 10*s.* only in labour was required. Another objection to the duty on soap was the very obnoxious nature of the excise regulations, which were a serious impediment to all improvement in the manufacture of the article. The absurd nature of the utensils required by law in the manufacture, and the time and labour lost in the process, were beyond belief. The loss by the absurd mode of taking the soap from the frames in one soap manufacture amounted to 600*l.* per annum for duty alone. No one could venture to make experiments under the excise regulations, as, even if not charged with duty on the quantity spoiled, it was impossible to keep the result of them secret. Candles were now made by machinery. The restrictions that now existed were originally imposed in the reign of Queen Anne; but many of them were so utterly impracticable that an open and avowed collusion took place between the Excise-office and the manufacturers, which must necessarily, and in no small degree, tend to promote fraud on the revenue. Again, the duty on soap very seriously interfered with our foreign trade in that article. There had been a very material progressive decrease, during the few past years, in the amount of exportation. The export of soap amounted in

1830 to 14,657,666 lbs.	During these three years there was a bounty on exportation equal to the customs duties.
1831 to 15,506,561 lbs.	
1832 to 22,078,000 lbs.	
1833 to 25,650,868 lbs.	Year of the reduction of the duty and the abolition of the bounty.
1834 to 23,718,273 lbs.	
1835 to 22,946,674 lbs.	

The drawback on exportation did not cover the excise duty since the withdrawal of the tenths; besides which, there was a customs duty on the raw materials. Together they amounted to nearly 3*l* per ton. The British manufacturers were met in the market by the Americans, who being totally free from all excise restrictions, and also from all custom duties on the materials imported necessary for the manufacture, completely drove the British manufacturers out of the market. The latter were also successfully competed with by the French, in the manufacture of the finer descriptions of soap. There was another argument which he wished to press upon the attention of the House. Soap formed a very material ingredient in many of our manufactures; the duty, therefore, on that article was a circumstance that essentially affected the interest of those other branches of manufacture. The drawback paid to manufacturers in 1835, was 54,000*l.*; the amount of duty paid on the soap used was 74,000*l.* The manufacturers, therefore, paid 20,000*l.* duty on soap, besides the increased cost of making it under our excise laws. Besides this, the manufacturers were in the habit, in order to avoid the annoyance and trouble of having their books examined by excise officers, of mixing together pure alkali and oil, and thus forming an imperfect soap, the quality of which was very inferior, but which at the same time paid no duty. One house in the paper trade used to pay 600*l.* for soap, who did not now purchase a single pound. Beyond this, there was another interest which would be benefitted to a very considerable extent by the abolition of the duty on soap; he meant the agricultural interest. In consequence of the heavy duty, all except the richer classes used an inferior kind of soap. But were the duty repealed, there was no doubt the consumption of the finer qualities of soap, manufactured from tallow, would be greatly increased, and thereby a considerable spur would be given to the agriculturists. But the most important point of view in which to put the case, in advocating the abolition of this tax, in his opinion, was, to show that it was a tax which operated with very unequal pressure on the different portions of the population, and with the greatest severity on the poor. The excise duty on a ton of soap was 14*l.*, and the customs duty on the materials might be stated at 3*l.* more, making together a duty of 17*l.* on a ton of soap. Now, the cost of a ton of soap used by the poorer classes, was about 40*l.*, the duty being, as he had said, 17*l.* The cost of a better kind of soap was 60*l.* a ton, the duty still being 17*l.*; while the cost of a ton of perfumed soap, which was consumed by the rich, was about 100*l.*, still bearing a duty of only 17*l.*; so that the duty of the article consumed by the poor man, amounted to not less than forty-five per cent. of the whole price; while the duty on the article consumed by the rich man, bore only the proportion of from fourteen to twenty per cent. on the whole price. He thought he could not bring forward a stronger reason for the abolition of this duty, than thus to show the inequality of the pressure. Unlike the duty on tobacco or on spirits, which affected only certain portions of the community, the duty on soap was a tax that interested every class. With regard to the duty on tobacco or spirits, the only question with the Chancellor of the Exchequer was, how high ought the duty to be, consistently with the realisation of any revenue at all; but, with respect to soap, there were other considerations to be attended to; for there was not an individual, from the highest to the lowest, who would not derive a benefit from the abolition of the duty on that article. So great would be the competition in the manufacture of it, that the benefit of the abolition would not go into the pockets of the manufacturers, but would go wholly to the public. It would not be difficult to show, that the abolition of the duty was much more preferable than a reduction of it, because if any portion of the duty were retained, the whole of the machinery for collecting that portion, and for protecting the revenue, must be kept up. The expense of repaying the drawbacks was very great, and the present system gave every facility to fraud. By abolishing the duty, this expense would, of course, be saved. In 1835, the gross duty was 977,122*l.*, while the drawbacks on exportation on manufactures in Ireland amounted to 198,009*l.*; leaving a net revenue of 779,113*l.* It must be observed that there were two descriptions of drawback—one paid by the customs on soap exported, and the other by the excise to manufacturers, and requiring distinct sets of officers. It had been said, that the soap duty was reduced in 1833, and therefore other trades ought to have a preference over it in 1837. But to this he would answer, that the reduction of the duty in 1833 was made in consequence of the proved existence of smuggling. But the improvements in the manufacture of alkalies, which were then commencing, had placed the trade in a worse situation with respect to the smuggler than it was at that time. The facilities for fraud were now greater than ever, which was acknowledged by the Commissioners of Inquiry in their seventeenth Report. It was also said, that glass ought to be relieved in preference to soap. But flint glass had been reduced to a great degree, and sufficiently to prevent smuggling. No one complained of fraud in window or plate glass. The expenditure of labour to make either the one or the other was six or seven times greater than that required for soap, and the difficulty and danger in transmitting it was such as to prevent an extensive illicit trade. The duty on the consumption of glass was rapidly increasing. It was in 1832 745,000*l.*, in 1833, 862,000*l.*, in 1834, 922,000*l.*, in 1835, 966,000*l.* Notwithstanding a reduction of 2*s.* 3*d.*, the duty on flint glass in 1835 was calculated at 155,000*l.* The manufacturers of glass did not apply for any reduction. The drawback was a bounty on the export trade, which enabled the manufacturers to compete with foreigners; and the reduction would only benefit the wealthy, and not in the slightest degree the poor. The cost of the materials, labour, and duty on plate and crown glass, and on soap, stood thus:—

	Glass.	Soap.	
Materials - -	14*l.* per cwt.	57*l.* 5*s.*	For common brown soap at 40*l.* per ton.
Labour, including coals - -	53	7 5	
Duty - - -	33	35 0	
	£100	£100 0	

Therefore, to defraud the revenue of 33*l.* in the manufacture of glass, required an expenditure of seven times the labour necessary to defraud it of 35*l.* on soap. The manufacture of glass required a bulky apparatus, and glass could only be made where coals were cheap. Soap, on the contrary, could be made in a few hours. The apparatus and the materials were in the possession of every candle-maker in the kingdom; the process was simple, so that two tons could be easily made by a man and his son or assistant, in a week. He had always considered this to be a most unjust and oppressive tax; and he trusted he had shown that the revenue of the country was in so flourishing a condition as to enable the Chancellor of the Exchequer to dispense with it altogether. No doubt the right hon. Gentleman would be called upon to afford relief by the reduction or abolition of other taxes; but it was his (Mr. Gillon's) conviction that there was no tax which was more urgent or which called more immediately for repeal, than the duty on soap. If his Majesty's Government would consent to this proposition, they would thereby confer a boon on all the productive classes of the community, and contribute materially to the health, comfort, and happiness of the population at large. The hon. Gentleman concluded by moving for leave to bring in a Bill for the abolition of the soap tax.

The *Chancellor of the Exchequer* was not inclined altogether to discountenance such discussions as the present. It was quite right that hon. Members who had turned their attention to particular subjects connected with the taxation of the country should lay their views and plans before the House, in order that when the general financial statement was proposed, the different claims to relief might be fully, fairly, and deliberately considered. He hoped, however, that the hon. Member, having made his statement, would follow the example of his hon. Friend, the Member for Worcester, when he brought forward his motion on the subject of marine insurances, and not call for an immediate decision on the case which he had made out. Indeed, if he were to call for an immediate decision, on the ground, for instance, of the present state of income and expenditure as he had stated it, the House would necessarily be led astray, as they must proceed not only on wholly inadequate grounds, but on grounds which were delusive and fallacious. Undoubtedly the revenue of the quarter showed a given amount of surplus, but that was anything but a fair criterion to go by as to the state of the whole financial year. The tea duties had been paid by anticipation last year, and there would therefore be a deduction in that respect. Nor did the receipts of the malt-tax last year afford any ratio of the receipt for the present. That item would be considerably less, much less, than the corresponding one last year. He thought this would be enough to induce the hon. Gentleman and the House, without prejudice, to postpone the decision of this question, and, as they would in their own private affairs, not decide what they would do with their revenue till they knew exactly what income they had to deal with, and what expenditure they had to provide for. He was ready to agree in many observations that had been made, particularly with respect to the excise regulations. They were arbitrary and complicated, and subjected the manufacturer to great and unnecessary inconveniences. The customs' regulations had already been much improved, and it was his intention, if he continued in the office he now held, to bring in a Bill to consolidate and simplify the whole of the excise law. The expenses of collection, too, might in his opinion very well be reduced; but, without entering upon these points at present, and leaving intentionally the argument of the question altogether untouched, he called upon his hon. Friend not to press this matter to a division until the general financial statement had been submitted to the House.

Mr. *Hume* agreed with the arguments brought forward by the hon. Member in favour of the reduction of the duty. The tax upon soap formed a great impediment to the extension of the manufacture; and though the materials from which soap was made were cheaper in this country than in the United States, Canada, and many parts of the Continent, the increase in our exports of this article had borne no proportion to the increase in the trade of countries possessing far inferior facilities. We were precluded from carrying on a valuable trade to all parts of the world by a set of duties which prevented the application of science and industry to the processes of the manufacture. It was well known, that under the present system, the manufacturers sustained the most ruinous losses, and that failures occurred in consequence every day. No article of domestic consumption, except food, was more important than soap; and it formed a serious item in the expenditure of a poor family. He thought that the Chancellor of the Exchequer, whatever might be the available surplus, should take off this duty, as being one which would give relief, not only to the fair trader, but to the whole of the community. If there should be a deficiency in the revenue from its repeal, there were fifty other ways of raising money with much less injustice to the public, and much less injury to property.

Mr. *Hawes* would have been better pleased with the statement of the Chancellor of the Exchequer if the right hon. Gentleman had discovered a disposition to place greater reliance on the statements of the Commissioners of Excise Inquiry, who recommended the reduction of this duty. It was at present utterly impossible to levy it equitably, and to make each of the manufacturers contribute his fair share to the revenue. The means of effectually evading the tax were in the power of every one, and the Chancellor of the Exchequer was bound to abandon it, unless he could point out a method by which its collection could be insured. This country was better situated for carrying on this branch of manufacture than any other; it was one which could not be carried on without materially benefitting every class of the community, and, at the same time, greatly augmenting the general commerce of the country; yet, although population and wealth had rapidly increased, this branch of the revenue had been considerably diminished, which, to him, was a most satisfactory proof that the tax was impolitic and pernicious.

Mr. *Gillon* regretted that the Chancellor of the Exchequer had not given an explicit promise to abolish the duty. As he saw no chance of carrying his motion, he would not press it to a division.

Motion withdrawn.

EAST INDIA MARITIME OFFICERS.] Mr. *George F. Young* presented a petition from Captains Newall, Barrow, and Glasspole, of the East-India Company's late maritime service, complaining that the compensation to which they were entitled was withheld by the Board of Control. The brief and simple facts of the case would not render it necessary for him to detain the House at any length; and he was sure that the House, and he hoped the right hon. Baronet opposite, the President of the Board of Control, would agree with him, that this was a case which demanded inquiry. In the year 1833, the public were allowed, by an Act of the Legislature, to participate in the trade with China, which had formerly been exclusively confined to the East-India Company. The Act, also, of 1833, prohibited the East-India Company from trading for a term of forty years. To meet the case of those parties who would be likely to suffer by this arrangement, a clause was introduced into the Bill to provide compensation for them. Some difficulty was subsequently found in awarding compensation to the maritime officers, whether, as the right hon. Baronet (Sir J. C. Hobhouse) stated on a former occasion—each individual case should be considered on its own merits, or some general rule should be established. It was ultimately decided, that a general rule should be adopted;—though in his opinion it would have been much better to have considered each case on its own merits. The rule was, that all persons who gave notice before the expiration of August, 1833, that they did not intend to leave the maritime service of the East-India Company, were entitled to compensation. That this plan had acted unequally, by excluding some gentlemen justly entitled, and compensating others who had, in justice, no claim, was quite evident. He would refer to the case of the petitioners, on the one hand, and that of a personal friend of his own (the son of the hon. Member for Guildford) on the other. This gentleman had actually left the service, and, in fact, had embarked in trade, but he sent in the declaration according to the rule, and was ultimately allowed compensation. But the petitioners, who had sent in their declaration according to this rule, and had actually proved that they had made arrangements for again entering the service, were told, that as they had served five years, which, according to a regulation of the East-India Company, was the time allotted to officers commanding the Company's ships, they would not have been eligible to serve again, and, therefore, were not entitled to compensation. But though they were not eligible to command the Company's ships, they were eligible to command chartered ships; and as a great number of the ships freighted by the Company were chartered for the voyage, these officers would have been eligible to have served in any of those ships, and were, therefore, clearly entitled to be compensated. He could mention an instance in which a captain, who had served four years, received 2,000*l.* as compensation. The petitioners were equally eligible to serve as any other officers in the service. And as a stronger and unanswerable proof, that they were entitled to the compensation they claim, he would state to the House, that the justice of their claims had been admitted by the Court of Directors and the Court of Proprietors of the East-India Company; and those parties (who had to pay the money) had recommended the Board of Control to allow the compensation. How, then, could they account for the refusal of the Board to comply with this recommendation? He had shown that these gentlemen, whose interests he was now advocating, had conformed to the regulation: they had done more;—they had proved their actual intention to serve. They had also proved an actual loss, by showing that they had been offered employment in the merchant service, which they refused, in order to remain eligible for the service of the East-India Company. He therefore hoped the right hon. Baronet (Sir J. C. Hobhouse) would offer no objection to the appointment of a Committee. The hon. Member concluded by moving, that "The petition be referred to the consideration of a Select Committee."

Sir *John Hobhouse* said, that the hon. Gentleman did him no more than justice in supposing that if he had seen any reason to alter the course he had adopted, he should have done so—but, in opposing the hon. Gentleman's motion for a Committee, he was doing no more than right. He would take the liberty to state his objections to the motion; but he must be excused if he were not so brief as he could wish to be. It was due to the claimants that he should repeat the arguments which had influenced him in opposing their claims. He did not deny that those Gentlemen considered themselves aggrieved; but when principles were laid down, it was essential to abide by them. According to those principles, in this case the petitioners were in that class which were not to be compensated; they had, in fact, completed five voyages, and were consequently precluded from receiving compensation. The case of the officer to which the hon. Member for Tynemouth had referred was not applicable to the present case; for having conformed to the regulation, and coming within the required limit, the Board of Control was not in a condition to refuse his claim. But what had these gentlemen done, that their cases should be specially considered? They had, as he had said before, derived all the advantages of five voyages; and if they had not been so fortunate in making money as some other gentlemen similarly situated—it surely would not be contended that they had a right to come to Parliament to interfere in order to make good the deficiency. When he first entered into the office he held he found that a similar case had been refused by Lord Ellenborough;—the question was, therefore, decided before he came into office, and he could not see any ground to reverse that decision. Certain persons had said they would have employed these gentlemen, and it was sought to establish what might be called a prospective loss. These gentlemen came down to the House, and said that they would certainly have been employed, but they reserved their services for the East India Company. If that were really the case, it ought to have been stated originally, although it would not have altered the state of the claims. [Mr. *G. F. Young:* It was in the original statement.]—It was not stated in the original certificate of these gentlemen, nor till after it was found that the omission might be prejudicial to their claims. It was true, as had been stated, that some parties who had not performed the five voyages might have received some allowance; but he should like to know whether that allowance was anything like the profits which would have been derived from the voyages? It appeared to him that the simple question was,—were these gentlemen entitled to have their cases considered specially, or were they to come under the general rule? The Board of Control had decided the latter, and he was at a loss to know what the hon. Member expected to get by the appointment of a Committee. Without an alteration in the law, the decision of a Committee, even if it were favourable to the claims of these gentlemen, would not be compulsory upon the Board of Control. The law, as it stood, gave a certain discretion to the President of that Board; and if that discretion were not properly exercised, let him be removed; but it was not proper that he should be brought before a Committee of this House, for the purpose of being called upon to reverse any decision which, in the discharge of his duty, he might have adopted. He admitted all the facts, so that a Committee to inquire into them would be perfectly useless; and as the Committee would have no power to reverse the decision of the Board of Control, he trusted the hon. Member would see the propriety of not pressing his motion. If the hon. Gentleman persisted, though his interest would say "yes," his duty said "no," and he must oppose the appointment of a Committee.

Mr. *Robinson:* The question was, whether the right hon. Baronet and the Board of Control were to defeat the intentions of the Act of Parliament? If the right hon. Baronet admitted that the prospective interests of these officers might have suffered, he contended that they had suffered; and that, consequently, they were entitled to compensation. The Courts of Directors and of Proprietors had decided that they should have compensation; but the hon. Baronet said to the proprietors,—"you have no right to reward your own servants." Under the Act, they had a claim for compensation; and, if it were contended that Parliament had no power to interfere, of what use was this discussion? If the House should decide in their favour, the hon. Baronet would reconsider his decision.

Mr. *Bagshaw* had paid some attention to this subject, and fully agreed with the right hon. Baronet (Sir J. Hobhouse). It was a fallacy to talk of the proprietors paying the money required in compensations. Every sixpence came out of the pockets, not of the proprietors, but of the people of India. Let the House consider what was due to them: they had no representatives in that House; and the Board of Control was bound to protect them.

Mr. *Praed* said, the simple question was, whether an Act of Parliament, passed four years ago, granting compensation to these officers, was to be carried into effect? Was a certain rule of service, not referred to in that Act, to supersede it? As to whether certain statements were or were not omitted in the certificate to which the right hon. Baronet had referred—this, in his opinion, had nothing at all to do with the case. It was evident that the interests of these officers had been affected by the alteration in the East-India Company's trade; and that the Legislature intended they should be compensated. The right hon. Baronet, the President of the Board of Control, appeared to expect him to support the view of the case which the right hon. Baronet had taken, but he was at a loss to know on what ground that expectation was based. When he was attached to the Board of Control, and these same claims were brought before him, he treated them in a very different light from that in which they were viewed by the right hon. Baronet opposite, and he would tell the hon. Member for Teignmouth, that his opinion on the real merits of the question was not changed. The Board of Control, under Mr. Grant, had determined that compensation should not be given to those maritime officers who had served five years under the East-India Company. This he had ever considered unjust. On coming into office, however, he discovered that whenever an officer served five years in the Company's own vessels, he, after that period, had invariably left the service. But the state of the case was somewhat altered by the appointment of the Committee of that House. The Committee had said that, as it appeared that the East-India Company had laid down as a rule that five years should be the period of service for its maritime officers, they would recommend the Court of Directors to consider the case of those officers who, not having completed that service, were still excluded from compensation. It could not have been the intention of Lord Glenelg that the rule so laid down should have excluded such officers from compensation. Whatever might be said of his entertaining—from the different aspect the case had now assumed—an opinion opposite to that he acted upon when Secretary to the Board of Control, he must say, that he would rather be thought inconsistent than that the House should be unjust.

Mr. *Vernon Smith* said, that the opinion of the hon. Gentleman who had just sat down was of some consequence. The hon. Gentleman had forgotten the case which, when Secretary to the Board of Control, he decided. His opinion on this subject was formed from the hon. Gentleman's opinion. He had a letter, written by the hon. Gentleman, when he held the office of Secretary to the Board of Control, by which it would appear, that the rule the hon. Gentleman acted upon was not one laid down by Mr. Grant, but by Mr. Praed. The letter stated, "that after serious attention had been given to the claims of these officers, the Board had decided they were inadmissible." He could not consider these gentlemen's interests were in any way affected by the alteration in the East-India-Company's trade; for though, as they stated, they were eligible to command the chartered ships of the Company, yet there was not a single instance in which a captain, having performed five voyages, was afterwards called upon to command a chartered vessel. It had been generally considered, that in five voyages the commanders had an opportunity of making a handsome fortune; and if those gentlemen had not done so, it was not the fault of the Proprietors, and they had no right to call upon the Proprietors to make up the deficiency. It must not be forgotten, that the money out of which these compensations would be paid was not that of the Court of Proprietors, but of the people of India. The Board of Control, then, was at a loss to discover what claims these officers had on the funds under their control; and he trusted the House would mark its sense of the justice of the decision of the Board of Control by refusing to grant the Committee. Whether the compensation would ever have been obtained or not, after the case had been considered by Mr. Macauley and others, or under any other constitution of the Board, he could not state, but he thought the compensation excessive. Never had he known any thing of the kind granted. If the hon. Member for Middlesex had been as active and vigilant as usual, this would never have happened. He must protest against the principle, that because other men happened to have received a great deal more than what was reasonable or just, therefore the same measure of excessive compensation was to be extended to all other applicants. As to the case of Captain Mangles, he surely received more than he, by possibility, could have any right to. He had not accomplished his fourth voyage, but the Company gave him 2,000*l.* That was a monstrous "compensation." It might as well be contended, that these captains, because they had not been allowed to embark in freight trade, were entitled to compensation to the extent of what they might allege they had lost, by being limited to the Company's maritime service. The hon. Gentleman said, that since the period at which these grants were made, an exception to the rule of compensation as to captains had been made, limiting this scale to the cases of persons who had performed the five voyages, but had not entered the freight service. When the hon. Member was one of the Board, they had not time to go through the whole details of every case; but he was now ready to vote away the money which, when in office, he was disposed to refuse. The hon. Gentleman was on the Committee and divided against his friend's opinions. The petitioners not having been admitted into the freight service, must rest their claims on no higher ground than mere contingent eligibility. He did not say they were ineligible, but they had not been elected. The Court of Directors, acting on that report, considered these cases special, and threw them on the Poplar Fund. If he understood the argument of the hon. Gentleman, it would appear that Government behaved most generously. His right hon. Friend might, had he so pleased, have adopted some other course, but he had thought it the fairer and more manly course to reject these claims at once. The House, he was sure, would give full credit to the Board for being actuated by no other motive than the desire to perform their duty. The claim of these parties was for compensation for that which had been no loss to them. If the House should now sanction the claim, it must recollect that the principle on which it was made would be extensive in its operation. He should oppose it.

Mr. *Hume* said, if his vote would re-open the question he would not oppose the prayer of the petitioners. It was evident, that Lord Glenelg, and those who were associated with him in his official department, had very ill discharged their duty to the public. After this case had been argued, instead of going to a division upon it that night, they ought to have time allowed to review the whole question. In the speech delivered by an hon. Gentleman formerly connected with the Board of Control, there was a great mistake in the assumption, that these gentlemen did not come within the meaning and scope of the Act of Parliament. If the rule of compensation were a bad one—as, perhaps, it was—it was a very hard case on these three individuals, after it had been adopted and acted upon in the cases of others, that they should not have the benefit of it. They had been efficient and able officers, and, so far as merits went, his mind was made up in their favour. These individuals, after performing five voyages, must have had as good opportunities of making their fortunes as any men could meet with. If the question had been put to them, before entering into the service, in this manner, "will you, after performing these voyages, enjoy your pension, or enter into the freight service?" they doubtless would have said, "we will enjoy our pension." For they would, perhaps, have considered it derogatory to the position they had occupied, to pass into the latter. The rule which had been laid down in respect to the discharged officers of the East-India Company's service, was this:—that all those who would suffer loss from the abolition of the Company's trade should receive compensation. He wished that rule had been adhered to; but he regretted to say, it was not: and many persons who had retired from the service for years, and had engaged in other business, from which they could not withdraw, had signed the required declaration, and had received compensation. Men who were offered a handsome retirement, preferred such a compensation to continuing in active employment, whatever might have been their gains in the Company's service. It was to put a price on inactivity or indolence to make such offers. The public had great reason to complain of the extraordinary conduct which had been pursued by the Board of Control. Captain Mangles seemed to have retired from the freight service, and to have taken up a service which he never originally meant to adopt, and yet he got compensation for losses by the extinction of a service he had voluntarily thrown up. Because injustice had been done in one case, was a similar species of injustice to be done in every other? He was satisfied that two-thirds of the pensions were paid to those who ought to have acquired sufficient, by prudence and industry while in the service of the Company, to have abstained from coming on the pension list. The Court of Directors had acted most properly, while the Court of Proprietors came to an inconsistent vote, which completely damnified the vote of the Court of Directors. The directors, by the constitution of the Company, were, in a great measure, bound by the opinions of the Board of Control; and that Board should have regulated and determined the proper scale of compensation. Notwithstanding, he thought these petitioners might have expected better terms than they had received. He could not support their petition.

Lord *Granville Somerset* hoped, that the concluding observations of the hon. Member for Middlesex would not have much effect on the House. The hon. Member said, that to open the case of these individuals, would risk the opening the cases of all the other officers under similar circumstances. If that were the case, he should say with the hon. Member for Middlesex,—that they sat there for the benefit of all, of those included within the rule alluded to by the right hon. the President of the Board of Control, and of those who were not. He had no knowledge of, and was not bound to inquire what might be, the consequences of their proceeding in this case with respect to other cases. One thing said by the right hon. Baronet (Sir John Hobhouse), rather alarmed him. He said, that, whatever should be the vote which the House of Commons might come to on this question, the Board of Control would not alter the decision they had arrived at. If, after a vote of that House, the Board of Control was to reply: "we will have nothing to do with your determinations," it was very useless for the Commons to think of legislating independently on such questions. He believed that the right hon. Baronet was actuated by the purest motives, but he could not carry his respect for that purity so far as to concur with him in resisting all claim, on the part of these individuals, for compensation. They alleged that they had sustained an injury through the passing of the last Act for the renewal and regulation af the Company's charter: which Act contained a clause, providing a remedy for such injuries. The doctrine of the hon. Secretary to the Board of Control (Mr. Vernon Smith), that because certain other individuals had received, in the shape of compensation from the East-India Company, too much, therefore the right hon. Baronet had done well in rejecting the prayer of these petitioners altogether—did not meet the justice of the case. Because those other individuals had received too much, were these parties to receive too little? Because they had exceeded in former cases all proper amount of compensation, they were now, therefore, to give an absolute denial of justice to those who had well founded claims? Because, in the cases referred to, some officers had been overpaid, the right hon. Gentleman, by anticipation, repudiated any decision to which they might come with respect to the cases of others? He considered these parties entitled to the favourable consideration of the House. From what had fallen from the right hon. Baronet, the Secretary to the Board of Control, it was impossible to look forward with much encouragement to the result of this application to the House; but it was idle to insert a clause in that Act which the right hon. Baronet himself carried through the House—providing a certain remedial course in cases of grievance, if, with the right hon. Baronet, they rejected the application of those who thought themselves injured. If the treatment of these parties had been as they represent—and he was bound to assume the facts of their case—he must give his vote in favour of referring the petition to a Select Committee.

Mr. *G. Palmer* had been much struck with the difference between the different views of hon. Gentlemen who had spoken. One hon. Gentleman grounded his objection to granting a Select Committee on the objection formerly taken by the right hon. Baronet, the President of the Board of Control, to entertaining such appeals from the decision of that Board. Was it not possible that the right hon. Gentleman might have been deceived by a statement, that officers in the East-India Company's service must have supposed that after making five voyages they would have no further occasion to concern themselves about pensions or compensation? Within the last few years there had been very few instances of gentlemen who had left the Company's service, after performing five voyages. Their rank in the service, thus acquired, was very valuable, no doubt; but it was a mistake to suppose, that in other respects they were thereby placed in such a condition, that a pension was not of very great importance to them. It would be very hard on any individual or class of men to whom a pension had been assigned by the Court of Directors, and confirmed by the Court of Proprietors, to have it afterwards taken away by the Board of Control. He was not of opinion, as it had been very unfairly insinuated, that the Court of Proprietors would be disposed to vote this money recklessly away, merely because they had not to pay it themselves. Such an imputation it was hardly justifiable to throw out upon a great body like the East-India Company. If those gentlemen had a claim founded on justice, what did it signify whether the East-India Company on the one hand, or the parties referred to in the former case on the other, had or had not granted or received an improper amount of compensation? He was sure that the hon. Member for Middlesex would allow, that an officer who had performed five voyages prior to his commanding a freight vessel, derived no advantage as an officer in the East-India Company's own service from that freight service, even after the term was over. If the House should be inclined to do justice in this case, either by agreeing to refer this petition to a Select Committee, or adopting any other course of examination which might seem expedient, he should be satisfied. And then he was sure they would vote for the compensation claimed by the petitioners.

Mr. *Cressett Pelham* would remunerate these parties upon principle,—and would give them every thing which the means that were at his disposal would allow, with justice to other parties. He had no doubt but those individuals were most meritorious officers, who had established a legitimate claim upon the Company, or rather, upon the bounty of the House. But he must own, that no rule had been laid down by the Company or the Government, which would enable the House to give it. They did not come within the purview of that Act of Parliament to which he, unfortunately, was no party. They were called upon to express their judgment as a public body, on the expediency of compensating these officers out of funds which were not within their own disposal. If he were to hold out his hands, as a Member of Parliament, to give the public money away, he did not know how he should resist the endless applications of other gentlemen, who, on grounds of similar services, would prefer similar applications. Such a precedent might lead to most serious misapplications of the public money. It was to be remembered, moreover, that if these petitioners had applied to remain in the Company's service at the expiration of their voyages, they might have had this compensation without question; and he should have been disposed to give it the more readily, remembering that in former times they had had a very difficult, though a very profitable, employment.

Mr. *Alderman Thompson* had no personal connexion with any of these petitioners, and was not influenced by any personal considerations whatsoever. He was at a loss, however, to comprehend the force of the argument upon whch the right hon. the President of the Board of Control resisted the motion of his hon. Friend, the Member for Tynemouth. The right hon. Baronet contended, that those gentlemen having served five voyages in the command of the East-India Company's ships, it would be derogatory to them, after holding such high situations in that service, to command freighted ships. The right hon. Baronet said, there was no precedent for a man, who had commanded a Company's ship, afterwards accepting the command of a freighted ship. But even if that were the case, those parties might have secured to themselves a competency; still, justice would not be done under the Act of Parliament, unless compensation be granted, or these parties fail to make out their case of having been, for this number of voyages, in the employment of the East-India Company. It was essential, therefore, to justice, that the petitioners should have an opportunity of proving that they come within the terms of the rule laid down by Lord Glenelg, and ought not to be excluded from its application.

Mr. *G. F. Young* was convinced that he should best consult the interests of the individuals whose cause he advocated by detaining the House only a very few minutes in reply. One or two circumstances, however, had been alluded to in the course of the debate, which, if he did not explain them, might prejudice their interests. In the first place, he thought the right hon. Baronet laid rather too much stress on the power which these Gentlemen had, he says, of so conforming themselves to the arrangements which were established in regard to the grant o compensations, as to have qualified themselves to make out their present claims beyond doubt or dispute. He knew not whether there was the disposition or not to communicate the necessary information to the parties concerned, at an earlier period after the arrangement upon that head was settled; but he did know that it was not till after the House of Commons had given its sanction to that arrangement, that the parties whose petition he wished to have referred to a Committee, had the remotest chance of knowing what the particulars connected with it were. The right hon. Baronet was aware that, by the custom of the East-India Company, it was usual to make such terms with their officers, that those looked forward, from their first entry into the Company's service, to the period of their becoming captains, with the prospect of obtaining pensions in virtue of their service, and the rank obtained—and that it had become the practice for the merchants of this country employing shipping of a certain tonnage to retain their services as captains of the merchantmen. He had the express authority of these officers for saying, that their views embraced the whole of the advantages from which they conceived themselves to have been unjustly shut out. With regard to the allusion to the case of one captain, he was not interested to show that it might not have been a case of excessive compensation; but even if it were, it was not pretended that his service had been as long continued as those of these gentlemen; and therefore the petitioners were not to be prejudiced by anything which was done in that instance. Could the House refuse to satisfy the just demands of these gentlemen, who had performed their five voyages—after having behaved in the most handsome and generous manner to others who had performed but one, or two, or three voyages each; some of whom, however, received 5,000*l.* gratuity or compensation, and a pension besides? Others, who had performed but four voyages, received an equivalent compensation for five. As to what has been said by the right hon. Secretary for the Board of Control, with regard to the danger of the precedent which would be fixed by the concession of the prayer of these Gentlemen, one word would set all apprehension on this score at rest. These three gentlemen were the only captains in the East-India Company's maritime service who could, by possibility, claim this rate of compensation; and, in order to obviate all doubt upon the matter, e was authorised to say, that his hon. Friend, the Member for Worcester, who had shown much anxiety for the success of the petitioners, had offered to bring in a Bill for the specific purpose of barring out the possibility of establishing such a precedent. If the right hon. Gentleman would only withdraw his own wayward objections, how could granting the Committee establish a precedent? Beyond those three individuals there was not a single servant of the Company who could set up a claim such as theirs. He must add, that until the facts of their cases were brought under his notice, he had never possessed even the slightest personal acquaintance with, or knowledge of, any of the petitioners. He never had had any communication with them until he took up their case; and, in doing so, he had acted entirely upon the strong conviction he entertained of the justice upon which their claims were founded. In the same manner he could vouch, that no influence, direct or indirect, had been exercised over him, to induce him to become their advocate; and he could only regret, that he had too feebly discharged his duty in that capacity. It was not until they found their applications rejected by the Board of Control, under a very arbitrary exercise of the restraining powers vested in that body, that they came before the House on the plea that the law of the land entitled them to this remuneration. If they were to be told, however, that the law of the land did not entitle them to what they asked, then it became a very fitting subject for the consideration of the House,—whether that law should not be so modified as to meet the merits of such cases as this.

The House divided: Ayes 45; Noes 30: Majority 15.

List of the AYES.

Balfour, T.
Baring, T.
Barnard, E. G.
Boldero, H. G.
Bonham, R. F.
Bowes, J.
Chandos, Marquess
Codrington, Sir E.
Cole, Viscount
Dalbiac, Sir C.
Duffield, T.
Elley, Sir J.
Farrand, R.
Fielden, W.
Gaskell, Jas. Milnes
Gordon, hon. Captain
Hardy, J.
Harvey, D. W.
Hastie, A.
Hindley, C.
Houstoun, G.
Humphery, J.
Jones, W
Law, hon. C. E.
Lennox, Lord G.
Lowther, J. H.
Lynch, A. H.
Maxwell, J.
O'Conor Don
Palmer, R.
Palmer, G.
Polhill, F.
Price, S. G.
Richards, R.
Robinson, G. R.
Ross, C.
Scarlett, hon. R.
Sinclair, Sir G.
Somerset, Lord G.
Thompson, Alderman
Tooke, W.
Trevor, hon. A.
Tulk, C. A.
Twiss, H.
Walter, J.

TELLERS.

Praed, W. M.
Young, G. F.

List of the NOES.

Aglionby, H. A.
Baring, F. T.
Brotherton, J.
Buller, Sir J. Y.
Bulwer, E. L.
Collins, W.
Dalmeny, Lord
Dundas, J. D.
Etwall, R.
Ewart, W.
Fitzroy, Lord C.
Forster, C. S.
Gillon, W.
Gordon, R.
Hay, Sir A. L.
Hobhouse, rt. hn. sir J.
Hume, J.
Maule, hon. F.
Murray, rt. hon. J. A.
Parker, J.
Patten, J. W.
Pelham, J. C.
Poulter, J. S.
Rice, right hon. T. S.
Rolfe, Sir. R. M.
Russell, Lord J.
Thompson, Colonel
Thornley, T.
Wallace R.
Wilde, Sergeant

TELLERS.

Smith, V.
Bagshaw, J.

Committee nominated.

TOBACCO DUTIES.] Mr. *Ewart* having presented a petition for a reduction of the duty on tobacco, then brought forward the motion of which he had given notice on that subject. He did not deny that, abstractedly speaking, tobacco might be a fair object of taxation; but, practically, it had turned out to be otherwise, for it had given rise to smuggling, and the extensive demoralisation which always accompanied smuggling. The duty, compared to the price, was actually 1,200 per cent.; and the consequence was, that no law could prevent smuggling. To prove that smuggling took place to a great extent, it was only necessary to state that the duty was 3*s.* per pound, and yet tobacco might be bought in the country for 2*s.* 8*d.*, 2*s.* 6*d.*, and even 2*s.* a pound. That could only arise in consequence of smuggling, which he knew was carried on to a remarkable extent, tobacco being introduced in casks of fish, of resin, and even in the interior of loaves of bread. The only contraband trade which equalled it was that of opium in the Celestial Empire. The Excise Commission, and Sir Henry Parnell, who he wished had been present, had recommended the reduction of the duty. That right hon. Gentleman had proved that smuggled tobacco amounted to one half of that which paid duty; so that, estimating the whole consumption of the country at 15,000,000lbs., 5,000,000lbs. of that were smuggled. Not less than 20,000 persons were engaged in smuggling, and it had a most pernicious effect on their morals. This brought with it the necessity of the coast-guard establishment, which was chiefly employed in repressing the contraband trade in tobacco, and which occasioned an annual outlay of 400,000*l.* The honest trader was obliged to give up dealing in tobacco altogether. He was able to state the case of one gentleman who had been in the habit of paying to the amount of from 15,000*l.* to 20,000*l.* a year duty, and he owned that the competition with the smuggler was so hopeless, that without illicit dealing, the trade would be worse than profitless. The effect of this course of things was, that it taught the trader to confound all distinctions of right and wrong. For these reasons he had thought it his duty to call the attention of the Chancellor of the Exchequer to the subject; and he would conclude by moving, that the duty on tobacco be reduced from 3*s.* to 1*s.* per pound.

Mr. *Hume* seconded the motion, on the ground, that if successful, it would have the effect of putting an end to smuggling. The evidence of this fact from every quarter of the country was so strong, that he was quite surprised to find so high a tax kept on. He was quite sure, that if the proposed reduction were made, it would, instead of diminishing, increase the revenue.

The *Chancellor of the Exchequer* observed, that his hon. Friends who had last spoken, in the present state of the House, could hardly be serious in proposing that the House should come to a resolution upon a point of such extraordinary importance after so slight a discussion. Some observations, however, had been made by both his hon. Friends, from which he must express his dissent. The present amount of duty he admitted was not defensible, but he had some remarks to offer to their consideration before the House came to any conclusion on the subject. He would state a few of the considerations which had operated with the Government, and which ought to have had some weight with the House, in abstaining from proposing any reduction on that article. His noble Friend, Lord Spencer, in 1831, when he brought forward his budget, proposed to reduce the duty on this very article of tobacco; and how was that motion met by the House? His hon. Friend, who brought forward the present motion, was not in that Parliament; but if there was one part of that budget which was objected to more than another, it was that very proposed reduction of the duty on tobacco, and particularly on the ground that the reduction would not prevent smuggling, and would promote the consumption of the article itself. The chief point in his hon. Friend's speech which called for an immediate examination was the alleged extent of the contraband trade. He thought that a fairer subject for taxation than the article itself could not be pointed out. It came unquestionably within the definition of a voluntary tax. The question then was was the present amount of duty too high for the purpose of revenue? If it could be shown to him that the same amount of revenue could be obtained when the proposed reduction was made, undoubtedly no man standing in the position in which he did could hesitate at lowering the rate of duty. He certainly, however, was of opinion that the amount of tobacco smuggled was exaggerated. He admitted, that a great deal of tobacco was smuggled, but not so much as was represented. He could not help thinking, if the statements which were made on this head were correct, that the revenue derived from tobacco would either have remained stationary, or would have receded in amount. He would begin with the years 1826-7, after the last reduction of the duty. In 1827 the tobacco which paid duty in England was 14,700,000lbs.; in 1828, 14,500,000lbs.; in 1829, 14,700,000lbs.; again, the next year, 15,100,000 lbs.; in 1831, 15,300,000 lbs.; in 1832, 15,800,000 lbs.; in 1833, 16,000,000lbs.; the next year, 16,400,000lbs.; and the next year, 17,000,000 lbs. Here, then, was a progressively increasing quantity, on which duty was paid since 1827. He did not mean in the slightest degree to deny the statement, that smuggling had gone on to a very considerable extent, but he merely mentioned these facts for the purpose of fortifying his doubt that the smuggling which was no doubt carried on was so extensive as was supposed. But it might be argued that the returns which he had quoted applied only to England, and that the smuggling was carried on to a greater extent in Ireland. He would therefore take from the year 1831 and upwards the returns for Ireland alone. In 1831 the amount was 4,100,000 lbs.; in 1832, 4,300,000lbs.; in the following years, 4,500,000lbs., 4,700,000lbs., 4,800,000lbs., and 5,000,000 lbs. Here again the duty steadily and progressively increased. He thought, therefore, that there was nothing to prove the allegation, that half of the tobacco consumed did not pay duty. Why did he rely on these facts? Because, the returns thus taken show that smuggling could not have prevailed to the extent supposed. This excess of the consumption of one year over the preceding year had regularly continued throughout this period; and it became a serious question how far the attempt to convert the contraband trade, at present carried on, into a large extension of the legitimate trade, under the operation of reduced duties, would be likely to succeed? When he saw that, in a former year 2,600,000 lbs. was the amount of consumption in Ireland, and 757,000*l.* was the total amount of duty paid on that consumption, he was pretty sure that the experiment of low duties was fairly tried. He turned, then, to a period when the duty on tobacco was lower, and the price of the commodity, also, lower, than at the period in which the hon. Member for Middlesex had spoken. Of 1782 the records were unfortunately lost, but he had those of 1786. In 1786 the duty was only 10*d.* per pound. At that period the amount consumed in Great Britain was 6,800,000 lbs., in Ireland 3,400,000 lbs., making together 10,200,000 lbs. The present consumption of tobacco was in Great Britain upwards of 17,000,000 lbs.; in Ireland, 5,000,000 lbs.; making together, in round numbers, 23,000,000 lbs., as compared with the 10,000,000 lbs. consumption of 1786. Now, comparing the present times with the year 1786, he begged to say, that there had been no such increase of the population, or alteration in their habits, during the interval, as would enable him to come to the conclusion which his hon. Friends had arrived at,—that only one half of the quantity of tobacco which was consumed in the United Kingdom paid duty, and consequently that only one half of the revenue which ought to be derived from the tobacco actually consumed was paid into the Treasury. If he could think with his hon. Friends, he should be very happy to give them the benefit of his concurrence in their suggestion. At the present hour of the night it would not be proper for him to occupy the attention of the House further; but when he told his hon. Friend that the subject of his motion engaged the anxious consideration of the Government, he felt confident that he would not press it before the Government was able to come to a decision. If he could arrive at the same conclusion with his hon. Friend, it would give him great satisfaction, but he must see that it would be impossible for him, till he could see that the public revenue would not suffer from the reduction, to pledge himself to his hon. Friend's resolution. It would not do for him to be trying experiments with the revenue. If he had the means of diminishing the amount of taxation, he should first wish to give greater developement to the productive industry of the country, which was now languishing. He was desirous certainly of putting down smuggling, but he was first of all anxious to protect and encourage the productive industry of the nation. If a report were to go abroad that the House or the Government were pledged to reduce the duty upon any article of general consumption, the effect of it would be to throw the trade into confusion, by stopping sales and suspending orders. In this case he should be extremely sorry to take such a step, for the article of tobacco yielded a revenue of 3,000,000*l.*, and the duty impeded no manufacture. At the same time he could assure his hon. Friend that the whole subject was under the consideration of Government, and should have their best attention.

Viscount *Sandon* thought, that his right hon. Friend, the Chancellor of the Exchequer would find that there was such an immense mass of smuggling, that it would be almost incumbent on him to take measures for the reduction of the duty, if not immediately, at some future time. That such was the case was abundantly proved by an accumulation of evidence from Committees, Commissioners, and facts derived both from private and public sources, showing that the honest dealer could not gain a livelihood under the existing system. The question, however, after all, must be left in the hands of the Chancellor of the Exchequer. It was idle for a Member of that House to attempt to dictate to the right hon. Gentleman on such a subject, and all that private members could do was to bring the case before the public, and trust to their good sense for the ultimate adoption of the measure. Much as he desired to see the duty put an end to, he would recommend his hon. Colleague not to press his Motion.

Motion negatived.

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HOUSE OF COMMONS,

Wednesday, April 5, 1837.

MINUTES.] Bills. Read a first time:—Haileybury College; East-India Officers' Salaries.—Read a second time:—Sheriffs' Fees; Attorneys and Solicitors; Recovery of Tenements.

Petitions presented. By Sir A. AGNEW, from various places, for the Better Observance of the Sabbath.—By Mr. GROTE, Mr. MAXWELL, and Mr. GILLON, from Strathaven and Avondale, against further Endowment of Church of Scotland; from Whitburn, complaining of the Creation of Fictitious Votes (Scotland); and from Deptford, complaining of the King's Dock and Victualling Yards not being charged with the Land-tax; and from St. Mary-le-Bow, for the Equalisation of the Land-tax.—By Sir J. GRAHAM, Mr. HESKETH FLEETWOOD, Captain BOLDERO, Mr. MANGLES, Mr. A. SMITH, and Mr. WALTERS, from Nether and Upper Denton, that they may not be compelled to enter the Brampton Union; and from Glamorgan, Hoghton, Irthington, and Preston, for the Repeal; and from Guildford and Hertford, against the Repeal of the Poor-law Act; from Corsham and Chippenham, for Inquiry into the mode of providing Medical Attendance.—By Sir J. GRAHAM, Mr. GOULBURN, Mr. LOWTHER, Captain ALSAGER, General LYGON, Mr. WILKS, Lord STANLEY, Sir R. VYVYAN, Sir G. SINCLAIR, Mr. BARNARD, Mr. GILLON, and other Hon. MEMBERS, from various places, against the proposed Measure for the Abolition of Church-rates.

BANKRUPTS' ESTATES (SCOTLAND).] The *Lord Advocate*, in moving the second reading of the Bankrupts' Estates Scotland Bill, said, that as the enactments of it were the same in all respects as the Bill which passed through the House last Session, it was unnecessary for him to take up time by entering into any general view of the nature of the Bill, the object of which was to carry into effect improvements in the sequestration law, which had been contemplated and under consideration for a period of about twenty years. He was desirous, however, to point out the circumstances which had hitherto prevented the country receiving the benefits of the improvements called for, although many Bills had been brought forward by his predecessors in office and by himself. These arose chiefly from the great difference of opinion in different parts of the country, with regard to the nature of the provisions which ought to be adopted. It was contended by many persons that the sequestration of bankrupt estates should be carried on in the Supreme Court, as hitherto. On the other hand, it was not less strenuously urged, that sequestrations might be commenced and finished in each of the Sheriff Courts throughout Scotland. There were great objections to both those courses of proceeding. If sequestrations might be commenced in each of the Sheriff Courts, from the very limited jurisdictions, and many individuals and companies carrying on business in different counties, there might be jarrings and conflicting proceedings in each sheriffdom, and there would also be a want of general superintendence and check to prevent abuse taking place in particular districts. On the other hand, the expense of the procedure was much greater by the details of sequestration being confined to the Supreme Court than if they were carried on in the parts of the country where the business was conducted. The Bill reconciled those difficulties, by providing that all sequestrations should commence by proceedings in the Supreme Court, and the management be conducted by the sheriffs in the different counties, subject to appeal to the Court of Session. This arrangement would not satisfy persons of extreme opinions either way, but it was approved of by the great majority of persons who had directed their attention to the subject, and whose opinions were subject to no bias. Another difficulty arose, from many individuals who had devoted a great deal of time and attention to the subject being unwilling even to consider any clauses which deviated from their expressions or views. Many persons engaged in particular branches of trade wished the Bill to suit the mode of carrying on their business, without regarding the difficulties it might give rise to, or the frauds which might take place from the arrangements they suggested. It was extremely natural they should do so, for their experience arose from the transactions with which they were most familiar. The Bill had also at one time been so framed as to nearly meet the views of the greatest commercial town in Scotland, but when further improvements and changes were made to place it more in accordance with the views of the rest of the country, they complained that any other suggestions had been listened to or adopted. He trusted that there would be a general feeling of conciliation in the country, and all the local interests, to consider the present Bill, and adopt the improvements which it contained. If not, the law must remain on its present footing. He had been ready to receive suggestions from every quarter, and he had adopted them freely. He was still ready to make any further alterations in the Bill, or to correct any errors which could be shown to exist in it, and with these observations he recommended the Bill to the attentive consideration of the House.

The Bill read a second time.

BANKRUPTCY (SCOTLAND).] The *Lord Advocate* observed, that the Bankruptcy Scotland Bill was closely connected with the other. The object of it was, to diminish expense and intricacy of procedure. It comprehended enactments which, at one time, had been distributed into ten different Bills. It and another Bill respecting Sheriff Courts, which stood next in the orders of the day, were founded upon the report of the Scotch Law Commissioners. He moved that they be both now read a second time.

Bills read a second time.

Recovery of Tenements.] Mr. *Aglionby*, in moving the second reading of the Recovery of Tenements Bill, said, that for the sake of tenants themselves it was absolutely necessary there should be a summary mode of recovering possession of tenements. He regretted the Attorney-General had not thought proper to take upon himself the management of a Bill of this nature, because he was convinced the law as it now stood required some alteration. The present Bill did not alter the law of landlord and tenant, because it only applied to cases where a system of swindling had been carried on by persons who obtained possession of tenements under a false character. The principle of his Bill was that which had been recommended by the Commissioners, who had investigated narrowly the common law which made the distinction; and he would not occupy the House longer than in stating, that he did not believe that by this Bill the situation of the tenants would be rendered worse than at present, but rather better by its provisions, as it would enable their landlords to afford them more indulgence, as they would not run the same risk of being defrauded by violence or bad faith. There would be quite a sufficient time given before they went into Committee to offer any suggestions for the improvement of its provisions, and he would be glad to adopt any which he considered would be beneficial.

Bill read a second time.

Sale of Beer.] Mr. Arthur Trevor moved the second reading of this Bill.

Mr. *Roebuck* objected to the motion. The best way for him to point out his objection would be to read those clauses to which he was more especially opposed. In the first place it was provided that no licence should be granted without a certificate from the parson of the parish. Now he wanted to know if there ever had been such a proceeding as that which would compel a clergyman of the Church of England to tell where beer and cider should be sold, and he would inquire if it were the peculiar privilege of their holy office to tell where travellers could obtain good beer? He would ask if the House were likely to pass a Bill which would render the clergymen inspectors-general of beer shops? for it was now sought to erect them into a new set of functionaries, who would not have the spiritual requisites of the parishioners in view, but who would be made to tell at what particular place travellers would get good beer. But it was not only the parsons who were to be put into requisition by this measure, but the constables also, so that he supposed the system would be under the regulation of the parson, constable, and company. But mark the difference which was to exist between these functionaries! The parson was not to be punished, although the constable was, if he did not undertake the office assigned to him. The constable was to be liable to a fine of 10*l.* for neglect of duty. There was another extraordinary provision, which was, that the Bill should extend to England and Wales, except cities and boroughs. What was the meaning of that? Why, that country gentlemen did not like beer-houses. The hon. Gentleman knew the Bill would not be tolerated in towns; he dared not bring it into operation in cities and towns, but confined it to those places where the poor might be trampled on with impunity. It was further provided, that no licence should be granted for any house situated further than 500 yards from a turnpike road. The object was to prevent the poor labourers recreating themselves in by-roads and lanes, where they were in the habit of playing quoits and cricket, to thrust them out upon the high road; and, finally, to deprive the poor man, crossing the country, and who could not afford to ride in a post-chaise or on horseback, of the opportunity of slaking his thirst with a drink of beer. He could not help exclaiming against such a measure when he found hon. Gentlemen opposite, who were up in arms in defence of the rights of the poor, under pretence of taking care of their morals, attempting to foist such a Bill upon the House. Nothing was, in his opinion, so peculiarly contemptible as the pretence set up of taking care of the morals of the poor by Act of Parliament. It was not to be done in that form; but if the hon. Gentleman had the morals of the population at heart, why not enter at once into a crusade against the gin palaces? Let him try, and he (Mr. Roebuck) would be bound, that he would find hon. Gentlemen in that House who were connected in the distilleries standing up in their defence, and detailing the injury it would inflict on country Gentlemen, in the reduced consumption of malt, barley, oats, and rye. Anything they would countenance but an attack upon themselves, and under pretence of taking care of the morals of the poor they were grinding them down in every possible way. For these reasons he should move that the Bill be read a second time that day six months.

Sir *Ronald Ferguson* agreed in what had fallen from the hon. Member for Bath, and wished, at the same time, to remind the House, that the retailers of beer already laboured under many hardships to which the licensed victualler was not subjected.

Mr. *Arthur Trevor*, in reply to the observations of the hon. Member for Bath, said, the clergyman's interference was to extend merely to the granting of a certificate as to previous character, and he had confined himself to the country parishes, because it was there the evil had been felt. Every county magistrate would say, that the evils were so great that there was an absolute necessity for something being done. He was taunted also for not interfering with gin palaces. He considered them the receptacles for every species of vice; but if he were to interfere with them at all, he would be told by the hon. Member, or some of his Friends, that he was interfering with the amusements of the people. The next charge was, that he was favouring country gentlemen, by obliging all beer-shops to be within a certain distance of the high road. The reason was, as country gentlemen knew, that many of those beer-shops were on the borders of forests, and it was notorious that they were the haunts of poachers, sheep-stealers, and persons guilty of every other species of crime. From the temper of the House, he had no doubt the Bill would be rejected, but it did not damp him: he would continue to turn his attention to the subject until the evils were remedied. The hon. Member for Bath objected to the appointment of a clergyman to give the licence; but who could be a better judge than a clergyman of the morals of his neighbours? It was a subject of which the hon. Member was wholly ignorant. The hon. Member called himself the champion of the people. If he were really so he would support this Bill. He felt it to be his duty to take the sense of the House upon his motion.

Mr. *Thomas Duncombe* thought, that if the clergy had any reason to complain, it was of the hon. Member for Durham, not of the hon. Member for Bath. He (Mr. Duncombe) had heard of a place in Yorkshire, where the parsonage-house had actually been let for a beer-shop. As to the clergyman being allowed to licence or not, it should be remembered that a clergyman might be a member of a temperance society, in which case it was hardly to be expected that he would licence a place where liquor was to be had, which he thought injurious to those who drank it. In his opinion, a more ridiculous and arbitrary measure had never been brought under the consideration of the House.

Mr. *Wynn* hoped his hon. Friend, the Member for Durham, would not press his motion to a division. The Bill would, in his opinion, impose a most invidious and irksome duty upon the clergyman of every parish.

Mr. *Wilks*, on the contrary, advised the hon. Member for Durham to go to a division, because he was convinced that the opinion of the House would be distinctly expressed; and it was highly important that those persons who had invested their capital in beer-houses, should not be annoyed, Session after Session, by experimental notices and measures. He was convinced that, upon the whole, the establishment of beer-houses had been productive of great good, moral and physical, by diminishing the consumption of ardent spirits.

Mr. *Trevor* would defer to the opinion of his right hon. Friend, the Member for Montgomery, and would not press the Bill to a second reading. At the same time he must protest against the doctrines of the hon. Member for Boston.

Amendment carried. Bill put off for six months.

GOVERNMENT OF THE ARMY.] On the question that the Speaker do leave the chair, to go into a Committee of Supply,

Colonel *Thompson* said, he had a notice upon the book, which he should have been glad to have brought forward many weeks ago, and of which he should have been happy to have offered some explanation when the notice was given, if he had not been prevented by forms of the House, which he hoped were a portion of the wisdom of our ancestors, and not our own. The consequence of his being prevented from giving any such explanation was, that he had received a number of letters, from which it appeared that there was a persuasion that he intended to enter into an examination of the details of the office of the commander-in-chief. Now, he begged to say, that he had no more intention of doing that, than he had of inquiring into the details of the office of the Archbishop of Canterbury, if there was one. His object was simply to bring before the notice of the House, that the government of the army was withdrawn from the practice and application of that constitutional law, which, according to the principle settled in times of struggle and danger, gave us a remedy for, and prevention of the misapplication of the power of the Crown, by placing the administration of all the important departments of the state, in the hands of the ministers whose real responsibility consisted in the necessity for all going out of office together, whenever they ceased to be able to maintain a majority in that House. Though not a lawyer, his object could not be mistaken by any fair inquirer. If that mace or its predecessor could tell stories, it would speak of times when there was little doubt of what our forefathers meant by the customs and constitution of the realm, as distinct from Acts of Parliament. But, not to travel out of his immediate line, when the Mutiny Act said, that the raising and keeping up an army in the realm without consent of Parliament, was against law, was there a drum-boy that believed that meant, against an Act of Parliament? It was written and stamped upon the minds of all men that there was a law in this country to which even statutes made in that and the other House of Parliament were subservient. To that law, therefore, he appealed, and he would ask whether the government of the army had beenkept in the state in which it had been placed by their forefathers? What on this point said history? When the Tories came into office, the first time he believed they had a chance after the Revolution, did they continue the Duke of Marlborough in his office of commander-in-chief an hour longer than they found themselves unable to withdraw him from abroad? When the Whigs again came into power under George I., they restored their commander-in chief; and, on the next change of ministry, which took place, he believed, on Sir R. Walpole's retirement, the commander-in-chief, like other ministers of state, was again changed. He contended that these precedents, occurring as they did in critical times, when it was unsafe to tamper with the just jealousy felt by the people of that formidable machine a standing army, justified him in saying, that by the ancient law and practice of the realm, there ought to be a constitutional administrator of the army, removable with the other ministers, as there was of the king's navy and the king's courts. By giving up this point, a door would be open to every possible mal-practice and mal-application of the military force, and we might be paying for the maintenance of a numerous and expensive army,—amounting to about 100 regiments of foot, and thirty of cavalry—without knowing whether they might nót at any time be directed against ourselves. Look to the case of Spain; did any one believe that the government would have committed themselves to all the dangers and difficulties arising from sending out a force in so avowedly inferior a state of discipline—without casting any disparagement on those who were engaged in it—had they not known that the army was not really at their disposal? They could move the marines, because they were under the direction of the Admiralty; and the artillery and engineers, because they were under the master of the ordnance; but of the superb regiments of infantry and cavalry which made the rest of the British army, the constitutional and responsible advisers of the Crown knew they could not move a corporal's guard. They could not move a single soldier towards Spain. And the result of this misgovernment of the army was, that our countrymen engaged in the Spanish struggle must suffer all the misfortunes which were daily falling upon them. Again, there were some apprehensions of this country being involved in a struggle with Russia. Was there nobody to tell the northern autocrat, that the British army was not, in fact, at the disposal of the constitutional ministers of the Crown, and though the King's government might wish to put a stop to his aggressions, that army might even be directed to his assistance? It had been said by some hon. Gentlemen in that House, that they hoped never to see the day when the army should be brought under the control of the House of Commons. If this was merely an expression of personal opinion, he had no more wish to interfere with it, than he had for interference with his own. But if it was to be taken as the expression of a political party, then he must say, that the construction put upon it by the political party to which himself belonged was, that those hon. Gentlemen hoped the army would always be under the direction of an irresponsible power behind the throne, which power should be themselves. In this country there had not been wanting instances of the dangers that might arise from the government of the army being in the hands of others than the responsible ministers of the Crown. In the unfortunate events which had occurred at Bristol, it was believed that the king's ministers were not held the proper judges of the time and mode of allowing military execution to commence upon the erring men, and that the governors of the army had had recourse to extraordinary measures to effect that end. In the event of similar circumstances occurring in Ireland, was there no fear of the military force being directed by irresponsible persons? Had there not already been—though he knew this was a sore subject for hon. Gentlemen opposite—a disposition manifested in certain quarters to tamper with the army? The direction of the army was manifestly the sorest point in the concernments of a free country; and therefore it was the last that ought to be withdrawn from the securities furnished by the practice of the constitution. But if it was so withdrawn, what was the consequence, but that the moment the power became illegal, the right to obedience vanished? He was not disposed to modify one jot of his assertion, that the only security any country had against arbitrary power, was in maintaining the principle, that obedience was coeval with legality. Let those who exercised power illegally, take the risk; he did not not mean to stir from his position, that if the major was true, the minor and conclusion followed. He hoped hon. Gentlemen would not imagine he had come down with any expectation of making a *grand coup de lance* on the present occasion, but to make a beginning with a subject which, by pains and perseverance, would be carried to some fruit. He had not even asked anybody to second his motion; but if anybody did, he would certainly go to a division. If they did not, he knew very well where he should go and say, that no man had stood by him; and he did not believe that in the end he should be the worse for that. If, however, as he hoped would be the case, some hon. Gentleman came forward to his support, he would, by dividing the House, give himself the pleasure of recording, with the "two or three gathered together," who might be willing to assist him, in his sentiments on this question. He now moved, as an amendment to the motion for going into Committee, that the government of the army, as at present conducted, is against law, and no man is held to obedience to the same; and that no supply be granted till remedy applied.

No hon. Member seconding the Amendment, the original motion was carried, and the House went into a Committee of

Supply—Army Estimates.] Viscount *Howick* said, that, except in one or two points, the present estimates were precisely the same as those of the last two years. In the effective force there was this year an increase to the amount of 27,875*l.*, but, in the non-effective force there was a diminution to the amount of 38,182*l.*, so that there was, in fact, a decrease this year, as compared with the last, amounting to 10,307*l.* The increase in the effective force arose partly from the circumstance, that last year a regiment being on its passage home from India, was for half a year in the pay of the East India Company, whereas, in the present year, the whole of its pay had fallen on the public. This had caused an increase of 13,700*l.* The price of provisions and forage was this year higher than it was last year, and this had caused a considerable increase. The most important cause of increase was, the alteration which had taken place in regard to the increase of pay, and the pensions of the army. Formerly every soldier, at the expiration of a service of fourteen years, whether his conduct had been good or bad, was entitled to receive an increase of pay to the amount of 2*d.* a-day. During the debate on the Mutiny Bill last Session, a strong desire was manifested by many hon. Members, that increased facilities should be afforded for holding out rewards to soldiers, as an incentive to good conduct—and a recommendation to that effect was made by the Committee on military punishments. Considering the subject as a most important one, he (Lord Howick) had, in the course of last Session, in concert with the Commander-in-chief, drawn up a warrant, which afterwards received his Majesty's sanction, and was dated the 1st of September, by which it was declared, that no soldier who should enlist after that period should be entitled to an increase of pay, merely on account of length of service; but that, on the other hand, every soldier who should have served seven years, and whose name for two years of that time had never appeared on the defaulter's book, should receive a mark of distinction, and a penny per day additional pay; that at the end of fourteen years' service, on similar conditions, he should receive a second mark of distinction, and another penny additional pay, and that at the expiration of a period of twenty-one years, he should be entitled to receive a third mark of distinction, and to have another penny per day added to his pay; and further, that when pensioned, he should have his pension increased in proportion to the increase of pay which he had received for five years. Thus, if for five years he had received an additional penny per day, and for two years, an additional twopence, he should be entitled to have three halfpence per day added to his pension. He thought that those regulations would tend greatly to the improvement of the army, by holding out a boon to well-conducted soldiers. To meet the probable expense arising from this warrant, an additional sum of 9,800*l.* was inserted in the estimates this year, to which he was confident no objection could be made. As he had said before, deducting the increase of 27,875*l.* on the effective force from the decrease on the non-effective force of 38,182*l.* (owing to the falling-in of pensions and other causes), there remained on the whole, even taking into account the additional expense incurred by the late brevet, amounting to 8,468*l.*, a decrease this year of more than 10,000*l.* With regard to the brevet, as it would, he believed, be brought separately under the consideration of the House, he would make no remarks at present. He begged to move, that the sum of 3,111,152*l.* 1*s.* 10*d.* be granted to defray the expenses of his Majesty's land forces in Great Britain, and on foreign stations, from the 1st of April, 1837, to the 31st March, 1838.

Mr. *Robinson* said, that he for one should make no objection to the increase of expense which had been incurred in consequence of the new warrant, as he believed the system of rewards which it established, would be one great step in advance towards the abolition of corporal punishment in the army, of which, except in time of war, he entirely disapproved.

Mr. *Hume* would shortly state the objections which he felt to the keeping up of the large military establishment which at present existed in the country. Since the war, the national resources had been lavished on an immense military force, without any regard to the privations which heavy taxation inflicted on the community. He said "privations," for seventy per cent. of the whole amount of taxation levied in this country, fell upon the poorer, the working classes.—In consequence of enormous expenses which were incurred by our large military force, the Chancellor of the Exchequer, as in the instance of soap last night, the duty on which pressed on every individual, but most heavily upon the working classes, was unable to give them any relief from taxation. In 1792, the number of men employed in the army was 45,242; in the navy, 16,000; in the ordnance, 4,000; making a total of 65,242. Yet in those times France was hostile to us, and the Spanish fleet, then considerable, opposed us. Now, when there was not a single naval force in Europe, except that of France, which could bear comparison with ours, in a state of profound peace we had 33,700 marines and seamen, 81,319 soldiers, and 8,255 men in the ordnance and engineer department—in all, no less than 123,274 men; and this, let it be recollected, was our efficient establishment. In addition to this, we had 48,113 yeomanry, besides militia available, as well as the armed police of Ireland, amounting to 7,367, and the new police, numbering 3,300. The entire force amounted to 182,000, exclusive of the troops in India, which amounted to 19,000 more. What was the reason for keeping up such a force as that?

Taking the average of the years 1822, 1823, and 1824, they had only an army of 72,200 men; and, taking the average of 1835, 1836, and 1837, the army amounted to 81,257 men. What was the need of this large force? Were the Ministers afraid of an invasion? Or were they going to send out troops to carry on a war abroad? He hoped the day for that was gone by; and on the part of the people he protested against the continuance of this extravagant system. What he had to propose was, that the estimate be reduced by the whole amount of the allowance for twenty thousand men. There were at this day nearly that number of men more than in the times of the Tories. He knew that the noble Lord, the Secretary at war was not altogether to blame in that matter. The noble Lord had his master of the Horse-guards—a thing which was perfectly ridiculous. He knew, indeed, that it was the opinion of some Gentlemen that the Commander-in-chief should be under no control, but that of the King in person, and that the Secretary at War ought not to be allowed to interfere with that officer. But he contended that such doctrine was against the constitution. The King could do nothing but through his Ministers; and orders issued to the Commander-in-chief must be signed by the Secretary at War. The noble Lord's predecessor, the right hon. Member for Dundee, had found himself mastered by the Commander-in-chief, so much so, that he was obliged to confess to the Chancellor of the Exchequer that he could not prepare such estimates as he would feel justified in submitting to the House of Commons; and thus were the Ministers baffled by a person openly opposed to them and to the majority of that House. He hoped that Ministers would not consent to go on in that way. It was said that their interference with the Commander-in-chief would be unconstitutional. But it was the existence of a standing army in time of peace that really violated the constitution. The control of the army by the ministers of the Crown was required by the same principle of the constitution by which they were responsible for the acts of the Crown. It was dastardly of them to allow the command of the army to be vested in a man who was openly opposed to them. When the members of the present government sat upon the other side of the House, they were loud in their complaints of the expensiveness of the standing army, and they were continually badgering the Tories on the score of extravagance. Why, then, did they increase the force from 69,144 men, as it was under the Tory Government in 1822 to 81,319? What was there in the state of this country or of Europe which rendered such an increase necessary? The army cost seven millions a-year, without the commissariat or the ordnance. That was an immense sum. But before the French war the expenditure on the same account was little more than two millions. He could not account for the apathy which was evinced in the House on the subject of the present enormous cost of the army, whilst there was on all sides so much complaint of the amount of oppressiveness and taxation, and almost every Gentleman was calling for the reduction of one tax or other. Some Gentlemen called for the repeal of the tax upon cotton. Well, let them cut off 10,000 men from the standing army, and the cotton tax could be spared. Although, in strictness, the expense of the army was the subject before the Committee; yet he had brought forward also the numerical state of the navy, in order that the Gentlemen might have the whole expense of our warlike force by land and sea at one view. And surely when the whole expense was looked at, it was not surprising that the working classes were, to a great extent, unable to obtain the means of subsistence, as had been fully made out before a Committee which was recently appointed. Every thing they consumed was taxed nearly in the rate of seventy per cent. Before he sat down he must observe that the estimates were brought forward in a very improper and unsatisfactory manner. Why did not the Chancellor of the Exchequer bring forward his estimates in the same clear and satisfactory manner in which such propositions were brought before the Parliaments of other countries? Why did he not give an explanation of the purposes for which those forces were to be maintained at so great an excess above those of 1822 and 1823? The regiments of the guards seemed to be kept for nothing but show. On some occasions they had been useful in preserving the peace. But of late years the metropolis had been free from disturbances and riot; and especially since the establishment of the police, there had been no occasion whatever for the guards. The right hon. Gentleman, the Chancellor of the Exchequer, might depend upon it, that before long it would become a question, whether the expensiveness of the existing form of government in this country was compensated by its utility. For his part, he (Mr. Hume) was desirous of preserving the present form of government; but every thing connected with the expenditure of the public money at present, was calculated to produce dissatisfaction in the minds of the people ; a large portion of whom were almost deprived of the means of subsistence by the effects of taxation. It was the duty of the Government to curtail every expense as much as possible; and they could very well afford a considerable reduction in the present item. There need be no fear that England would not be at all times able to defend herself from foreign aggression. In the mean time, whilst this country was at peace with all the world, it ought not to be burthened with the support of so large an army. To bring the question in a tangible shape before the Committee, he should move as an amendment that the proposed sum of 3,111,652*l.* 1*s.* 10*d.* should be reduced by 500,000*l.*, which would require the reduction of 10,000 from the troops of the most expensive class; in which there had been an increase of 6,600 men since 1822. Perhaps some Gentlemen might not be aware of the difference of expensiveness amongst different classes of regiments; but he held in his hand a return signed by Lord Palmerston, from which it appeared that the cost of maintaining a private in the Life Guards was 74*l.* per annum in the Dragoon Guards 56*l.* per annum, and in the Foot Guards 34*l.* per annum, the cost of a private of infantry being 21*l.* Although the guards were not very numerous, yet they were numerous at present in comparison with former periods. With the reduction of 500,000*l.*, or the allowance for ten thousand men, he would propose a reduction of 120,000*l.* from the estimates for the ordnance and commissariat; which sums, taken together, would be equal to the whole of the soap duty; with which the right hon. the Chancellor of the Exchequer said he could not dispense at present. But he (Mr. Hume) was quite satisfied that the reduction which he proposed could be made with perfect safety, and the soap tax accordingly might be repealed. The hon. Member concluded by moving, as an amendment, that the sum of 2,611,652*l.* 1*s.* 10*d.* be inserted in the resolution instead of 3,111,652*l.* 1*s.* 10*d.*, as proposed by the noble Lord.

Viscount *Howick* observed, that the hon. Member for Middlesex had called upon him to show some grounds for maintaining the amount of the force which it was proposed to keep up, and had asked, "Why not return to the amount of force kept up in 1792; or why not, at all events, come down to the force maintained by a Tory Government in the years 1822 and 1823?" With respect to the comparison between the year 1792 and the present time, he wished to call the hon. Member's attention to this fact, that since the year 1792 the colonial possessions of this country had been very greatly extended. The amount of force required for garrisoning the colonies which this country held previous to the year 1792 did not at this moment materially differ from the amount of force required for garrisoning those colonies at that period. There certainly had been a large increase in the garrisons in New South Wales; but when the increase of the number of convicts, and the extent of territory over which those desperate men were dispersed, were considered, the absolute necessity for maintaining a large military force for the safety of the colonists must be apparent to every one. In fact, very recently only a necessity existed for sending an additional regiment to New South Wales. When he had the honour of being Under Secretary of State for the Colonies, on one occasion a very serious alarm existed in that colony from the difficulty of maintaining the peace in consequence of the disorderly conduct of the convicts. The hon. Gentleman had said, that the object of the Government in maintaining such a large military force was for the purpose of overawing the people both at home and in the colonies. If that really had been the object, he begged to assure the hon. Gentleman that he should not have been the person to frame the estimates, or to bring them forward. He begged to tell the hon. Gentleman that it was for no such purpose that the present vote was proposed. The hon. Gentleman had also been pleased to say that the Government had no voice or control over this matter. This, also, he begged to deny. If he had not possessed the means of ascertaining the reasons for which it was proposed to keep up this force, he should not have been the person to submit such a vote to the House. At the same time, he admitted that a period might arrive when a considerable diminution of the force now required in some of the colonies might take place. He believed, that after the lapse of a few years, this country would reap the advantage of that great measure of justice which was adopted in the year 1833, by the emancipation of the slaves, and that it would become practicable very considerably to reduce the garrisons in those colonies where it was the hardest upon the troops to remain in garrison, and where necessarily the largest amount of expense to this country was incurred. The comparison between the year 1792 and the present period being thus completely disposed of, he would advert to another part of the hon. Gentleman's speech. The hon. Gentleman had said, that the amount of the household troops had been greatly increased; but the hon. Member had fallen into an error in reckoning those called dragoon guards among the household troops. On the contrary, they were entirely upon a level with the other regiments of cavalry, and were liable to the same kind of service. There certainly had been an increase since the year 1792 in the number of the household troops; but that increase in rank and file in the cavalry was only about 379 men, and in the foot guards about 800 men. Now, considering that for the protection of the metropolis the Government had no other than these troops, and considering the enormous augmentation of the population since 1792, he could not say that this did appear to him, as compared with the force in the year 1792, to be a very disproportionate increase. But the hon. Member had also said, that the proportion of the number of officers to the number of men was enormously large, and that this large proportion was kept up merely for the purpose of finding employment and providing emoluments for the aristocracy. It would be as well if the hon. Gentleman would attend a little to what was the state of things in the year 1792, and what at the present moment; if he had, he would have found that in 1792 the number of officers to the men was in the proportion of one to twelve; and that in the present year the proportion was no more than as one to twenty-eight. The hon. Gentleman next referred to the military establishment for the year 1821 and 1822, when the amount of force was reduced to 69,144 men, whereas now the amount of force was 81,000 men; making a difference not of 20,000 men as the hon. Gentleman had stated, but of about 12,000 men. Now, he was inclined to believe, that the reduction which took place in the year 1821-2 was one not of very great economy, and his reason for believing so was this:—In the course of the year 1822 a great number of soldiers who were perfectly fit for service were discharged, and in the following year, 1823, it was found that the military force of the country had been too much reduced, and it became necessary to raise six additional regiments. The effect of the previous reduction, consequently, was, that in the course of a few months after the reduction had been made the country had to pay for the whole previous amount of force, as well as to pay pensions to a very considerable number of men who had been discharged before there was any necessity for discharging them. The hon. Gentleman had further said, that his Majesty's Ministers, when sitting on the opposition side of the House, used to concur with him in his motions for the reduction of the army estimates. He must correct the hon. Gentleman in that respect. He had the honour of sitting on the opposition side of the House for four Sessions with the hon. Member; and he had the most distinct recollection, that in the course of that period he never voted for a reduction in the amount of the force to be kept up, because he did not think, that with the demand upon the army for colonial service, they could prudently reduce the force below the amount then maintained. Before the House agreed to the proposition of the hon. Gentleman, it became them to consider what was the demand upon the army for colonial service. That demand had arisen, not as the hon. Gentleman had said, for the purpose of overawing the people, but for the necessity of protecting the different fortifications and manning the garrisons of the various colonies which this country possessed. Out of the 103 battalions of the line of which the whole force was now composed, it was required that there should be continually abroad eighty-two battalions; leaving at home, out of the whole force, only twenty-one battalions. The effect of this was, that when the regiments, after a very long period of foreign service, were brought home, they could scarcely be kept at home for four year, when it would become their turn again to go abroad. In consequence of this demand for affording relief to regiments coming home, it was necessary that seven battalions should go out from this country in the present year. Now the period during which these seven battalions, by being sent abroad again in the order in which they came home, could possibly remain in England, would not in any case exceed four years. One of these battalions returned to England in September, 1833, after a service of twenty years in New South Wales and India. Another came home in the year 1834, after a service of ten years in the West Indies. He could assure the House, that he had taken some pains to look into the manner in which the colonial service pressed upon the British troops at the present moment; and in concert with the Commander-in-chief he had also endeavoured, as far as was practicable, to decrease that pressure without making an increase of the force necessary; and in consequence of this an arrangement had been made which he trusted would be productive of very considerable alleviations of some of the worst parts of that pressure upon the troops. Since he had had the honour of filling the office of Secretary at War he had caused to be made a very detailed and elaborate examination of all the returns that had been obtained from the medical departments of the service; and he found from those returns that a prolonged tropical service was attended with most seriously injurious effects upon the troops. The system had hitherto been, that a regiment should pass ten years in the West Indies. Although it would be impracticable without an augmentation of the forces to make any diminution in the period for which a regiment was sent abroad, yet an arrangement was in contemplation by which the period so passed abroad would be divided into different climates. A regiment instead of having to pass the whole of the ten years in the West Indies, a prospect which appalled the minds of the men and deprived them of the courage to keep up against the influence of a climate that always materially affected their health, for the future would pass the earlier portion of the period during which they were absent from this country in the different garrisons in the Mediterranean. They would thence proceed to the West Indies; and from the West Indies they would proceed before they came home to Canada. Thus the whole period of their foreign service would be divided among those three climates, thereby giving to the different regiments a fairer proportion of service in good and bad climates than the system which had been hitherto pursued allotted to them. At the same time an arrangement was about to be made with the Treasury for improving the food, provisions, and comforts of the troops in the tropical climates. He found that in the West Indies it was the practice for the troops to receive only two days' fresh provisions in a week; and he learned from an examination of the returns of the medical men that this was exceedingly prejudicial to their health. An arrangement was about to be made that for the future the troops should always receive five days' fresh provisions in a week; and in some particular colonies which were peculiarly unhealthy—as, for instance, in Jamaica—they would receive fresh provisions every day. He mentioned this to show that the Government had done all that lay in its power to diminish the heavy burthen on the troops sent to the colonies, and he apprehended that hon. Gentlemen would not destroy all these arrangements by making a large reduction in the force; for, if this were to take place, it would be utterly impossible to afford the relief he had alluded to with regard to the station of the troops. He was quite convinced that the House would not pursue such a course. He would only further state, in answer to the remarks of the hon. Gentleman respecting the management of the army, that it involved matters of such importance and delicacy that the subject should be reserved for a distinct discussion. He did not agree with the hon. Gentleman in the view that he had taken of the subject: far from it. He thought that the hon. Member was ill-informed on the subject; but, at the same time, he agreed with the hon. Gentleman that there must be some important changes in the management of the army. The grounds of this opinion were stated in the Report of the Commissioners, which was on the Table; and, as that was a document which must come under discussion, he should reserve what he had to say on that point until the subject was regularly before the House. He only made this observation with a view to protest against being supposed to agree with the hon. Member for Middlesex.

Mr. *W. Williams* expressed his determination to vote in favour of the Amendment of his hon. friend, and he must say that the noble Lord had not made out any case why so large a military force should exist in this country. The noble Lord had entirely failed to show any solid reason why the present amount of force should be larger than that which existed in 1792. The police of Ireland and of London performed duties which, before the establishment of those forces, were required from the military; and with the police force in the metropolis, it did appear to him that so large an armed force was not only unnecessary, but monstrous and unconstitutional. It appeared that a Reformed Parliament was more extravagant in its expenditure than the unreformed, and particularly with regard to a branch of the public service which was most obnoxious to the principles of public liberty. The maintenance of such a force after twenty-two years of peace was wholly uncalled for, and was a proposition which the Representatives of the people in the House of Commons ought not to sanction.

Mr. *Barlow Hoy* thought that no person who considered the hardships endured by the British soldiers during a long and dreary exile in unhealthy climates could wish to see them aggravated by a diminution of the military force. He wished to direct the noble Lord's attention to the present state of the transport service, which he thought ought to be placed under the immediate care of Government, and on the same footing as the navy. This he considered as a matter of deep importance when they recollected the time the soldiers would now pass on board ship in the passage from colony to colony. He entirely approved of the change proposed by the noble Lord as regarded increasing the comforts of the troops in the colonies. There was one regulation which he should like to see altered, as he thought it unjust to the troops of the line. The household troops held rank superior to the rest of the army, and they were allowed to exchange into the line with that full benefit of the rank. He had no objection to their holding a superior rank, but he thought the privilege of conducting exchanges in this way gave them an unfair advantage.

Mr. *Richards* observed that the noble Lord had referred to the hardships endured by regiments on foreign service, but he had not said a word as to the services of the troops at home. He considered 20,000 men not too large a force, in order to ensure peace and good order in England, Scotland, and Ireland? The noble Lord had enumerated with just applause the valuable services of the army abroad; but he had forgotten their valuable services in keeping the peace at home. And he would put it to the common sense of the hon. Member for Middlesex, whether for the preservation of the peace in England, Ireland and Scotland, the present military force was more than sufficient. If an increase had been proposed, he certainly should have voted for it in preference to supporting a vote for reducing the number.

Mr. *Hume* was as sensible as the hon. Member for Knaresborough of the necessity of preserving the peace at home. The best way to keep the peace would, in his view of the question, be to reduce the enormous standing army kept up in time of peace, despite of the continually expressed dissatisfaction of the public at every meeting throughout the country. He should have preferred obtaining the returns he had asked from the noble Lord. If he would not grant them he must use such as he could procure hereafter. From all that had transpired he should feel himself wanting in his duty to the public, were he not to press the question of a reduction to a division.

General *Sharpe* contended that the present number of troops was no more than was sufficient for the protection, not of the peace, for that he knew was hardly ever in danger, owing to the efficiency of the civil power, but of property in cases of sudden commotion.

Mr. *Hume* remarked that every great town had now a well-organized police, which rendered the military less necessary than hitherto.

Captain *Chetwynd* had been fifteen years in the Blues, and risen to the rank of captain, with the cheering prospect of being captain these ten years to come. Was not this an answer to the hon. Member for Middlesex's assertion, that the household troops were, as respected promotion of their officers, too partially regarded at the Horse Guards?

Mr. *Ruthven* believed, that if the Municipal Corporations (Ireland) Bill were agreed to by the Legislature, a great portion of the military force now required in Ireland, might be altogether dispensed with.

The Committee divided—on the Amendment. Ayes 11; Noes 48: Majority 37.

List of the AYES.

Aglionby, H. A.
Bridgman, H.
Brotherton, J.
Browne, R. D.
Ewart, W.
Leader, I. T.
Ruthven, E.
Thompson Colonel
Tulk, C. A.
Warburton, H.
Wood, Alderman

TELLERS.

Hume, J
Williams, W.

List of the NOES.

Bagshaw, John
Balfour, T.
Barnard, E. G.
Boldero, Henry G.
Bulwer, Edw. L.
Butler, Hon. P.
Chalmers, P.
Chapman, A.
Chetwynd, Capt.
Cowper, Hon. W. F.
Dalbiac, Sir C.
Dalmeny, Lord
Dick, Q.
Dundas, J. D.
Elley, Sir J.
Etwall, Ralph
Fergusson, R. C.
Forster, C. S.
Goring, H. D.
Goulburn, H.
Grey, Sir G.
Hall, B.
Hay, Sir And. Leith
Hobhouse, Sir J. C.
Howard, P. H.
Howick, Viscount
Hoy, James Barlow
Johnston, Andrew
Lambton, Hedworth
Morpeth, Visc.
Murray, J. A.
O'Conner Don
O'Ferrall, R. M.
Palmerston, Visc.
Parker, John
Philips, G. R.
Rice, Rt. Hon. T. S.
Richards, R.
Robinson, G. R.
Russell, C.
Sharpe, General
Stanley, Edward
Strangways, Hon. J.
Thornley, T.
Troubridge, Sir T.
Ward, H. G.
Wood, C.
Young, G. F.

TELLERS.

Gordon, Robert
Stanley, E. J.

Vote agreed to.

On the question that 56,917*l.* for the allowances to the principal officers in the public departments, their deputies, clerks, and contingent expenses, be granted.

Mr. *Hume* asked whether it was the intention of Government to act upon the Report of the Commissioners appointed to inquire into the civil service of the army?

Viscount *Howick* said, the recommendations contained in the Report could be carried into effect only by an Act of Parliament. The Session was now too far advanced to introduce any measure upon the subject.

Mr. *Hume* thought, that Ministers ought to bring in a Bill even in the present Session, if it were only for the purpose of showing that they were sincere.

Viscount *Howick* said, that the Commissioners had drawn up the plan of reform which they were prepared to recommend; but before a Bill could be got ready there were many details and difficulties to be considered. It was not intended that the Report should be left a dead letter. He would allow himself deserving of the hon. Member's censure if, before the lapse of another Session, some measure, founded on the Report, should not be proposed, or some satisfactory reason given for not doing so. It was desirable that the country should first have an opportunity of seeing the Report. Ministers were anxious to get on with the public business, but the portion of time allowed them for this purpose was very inconsiderable.

Mr. *Hume* said, the subject had been two or three years under consideration. The charge in this item for the Commander-in-chief's office was enormous. There could be no hope of a better administration of this department unless the present Commander-in-chief was turned out of office, and some person placed in his situation who would act upon the principles of the present Liberal Government. If Ministers found they could not get on with Lord Hill, let them get another in his place. He meant no personal imputation on the gallant officer, but was it not enough to make the country doubt the sincerity of Ministers, when they retained in so important an office a man who had not the confidence of that House, or of the country? The Government by such shilly-shally conduct were not doing justice to themselves or to the country. The charge for the Commander-in-chief's office was out of all reason, particularly when it was considered that the duties of it were almost exclusively confined to the army at home.

Viscount *Howick* would admit that the charge was too great if the staff of the Commander-in-chief had nothing to do with the army abroad; but in this respect the hon. Member was completely misinformed. In fact there was as much laborious duty connected with the army abroad as with that at home. There were no men whose time was more fully occupied than that of the staff of the Commander-in-chief. Under the head of public departments there was a reduction, in consequence of the reduction of the Deputy Quarter-Master-General's office. He could assure the hon. Gentleman that if Government saw any want of co-operation on the part of the Commander-in-chief, they would feel it their duty to recommend to his Majesty to substitute another officer in his room.

Mr. *Cutlar Fergusson* complained, that the Commander-in-chief and the noble Lord, the Military Secretary, were the constant objects of attack from the hon. Member. He did not know upon what ground the hon. Member was always bringing such charges against the Commander-in-chief and the Military Secretary. It was impossible that any men could receive more general testimony to their conduct.

Sir *Charles Dalbiac* said, that a great deal of heavy duty was thrown upon the Horse Guards by the troops on foreign stations.

Captain *Chetwynd* said, that all military men were perfectly satisfied with the conduct of the Commander-in-chief. The slowness of promotion in the army might, in his opinion, be remedied by permitting certain classes of officers to sell out after a certain period of service, allowing their names to remain on a reserved list for a specified time, with permission to re-purchase, if they should desire to do so.

Mr. *Hume* meant no personal reflection on Lord Hill, but he would not give him his confidence, for the same reason that he would not give it to Sir Robert Peel or the hon. Gentlemen opposite, though as hon. men as any in the House. The charge against the Government was, that they allowed Lord Hill to employ the patronage of his office against the views and interests of the Liberal party. Nothing was now more necessary to get promotion in the army than to have Tory interest. Would the Tories, if they came into power, allow a Whig to remain in such an office? The right hon. and learned Gentleman (Mr. Fergusson) was now a Colleague of Lord Hill's, and therefore it was that he stood up to defend him.

Mr. *Cutlar Fergusson* did not know of a single instance in which political opinions had influenced the conduct of Lord Hill with regard to the patronage of the army.

Mr. *Thomas Duncombe* did not doubt Lord Hill's military capacity; but that nobleman had political functions to discharge, and they would of course be used against the present Government. He advised the Government no longer to attempt to conciliate their enemies; and said, that the whole influence of the Horse-Guards was exerted against the existing Liberal Administration.

Viscount *Howick* would admit, that the Commander-in-chief, if he had political functions to perform, should be a person entertaining the same political opinions as the Members of the Government; but he maintained that the duties which devolved on Lord Hill were only of an administrative and executive nature. The hon. Member for Middlesex differed from him in opinion on this point, and it was his duty, therefore, not to seize an opportunity for making an incidental attack on Lord Hill, but to move an address to the Crown for the removal of that nobleman from the office he at present held.

Mr. *Ewart* contended, that subordinates ought always to co-operate with the Government under which they acted.

Mr. *Leader* inquired how it came to pass, that the Judge-Advocate under the last Administration, the right hon. Member for Leeds, who was admitted he believed to be a very good Judge-Advocate, was removed when the present Ministry came into office? The Commander-in-chief ought to concur in opinion with the Executive Government. Lord Hill might not bestow his patronage in an improper manner, but it was believed in the country that he did, and the effect of that belief in the country generally, and in the army itself, was very injurious.

Mr. *Goring* observed, that there was no man whose conduct had been so closely watched as Lord Hill's with regard to the appointments which he had made, and if there had been any ground for the charges which had been brought against him, such representations would have been made to the House, that it would have been impossible for him to continue in his office. Such appointments as had come to his (Mr. Goring's) knowledge, had been made on the most equitable principles.

Captain *Boldero*, with reference to the vote before the House, wished to remark, that he had obtained returns of the number of officers who had been killed and wounded, both from the Horse-Guards and the Ordnance Department; but when he applied to the Admiralty for similar returns respecting the officers of Marines for the last fifteen years, that Board, which was so much of a pet with hon. Gentlemen opposite, being managed by Commissioners, was unable to give him the information he required, as no list was kept.

Mr. *Hume* wished he had had the assistance of the hon. and gallant Officer when he moved, a short time ago, for returns of the services of a great number of officers belonging both to the army and navy, as his evidence would have been very valuable to him. His motion was met by an assurance from the noble Lord, the Secretary at War, that it would take at least three years to make up the returns which he had asked for. It appeared, however, that there would not have been so much time spent afer all. With regard to what the hon. and gallant Officer said about the Admiralty, he thought he must be mistaken, because in Sir John Barrow's evidence it was stated that there were two books kept, which formed one of the most complete registers that was to be found in any department, and that it was only necessary for the admiral or any other officer requiring information to ring a bell, and in five minutes he would obtain all he wanted.

Viscount *Howick:* There was a list at the Horse-Guards, and a very full and correct list, of the services of officers who had been killed and wounded, but that would not enable him to get a statement made out of the services of officers who had neither been killed nor wounded.

Vote agreed to.

On the question that the sum of 105,407*l.* 6*s.* 8*d.* for the Volunteer Corps, be granted,

Mr. *Hume* thought, this the most objectionable vote of the whole, as the keeping up of the yeomanry corps was most injurious to the peace of the country. He proposed, therefore, to negative this vote altogether.

The Committee divided, Ayes 42; Noes 16:—Majority 26.

List of the AYES.

Adam, Sir C.
Angerstein, John
Balfour, T.
Boldero, Capt. H. G.
Bradshaw, James
Brownrigg, S.
Chetwynd, Captain
Coote, Sir C.
Dalbiac, Sir C.
Dalmeny, Lord
Dick, Quintin
Donkin, Sir R.
Dundas, J. D.
Ellice, E.
Etwall, R.
Ferguson, R.
Fitzroy, Lord C.
Forster, C. S.
Goring, Harry Dent
Goulburn, rt. hon. H.
Grey, Sir Geo., Bart.
Harcourt, G. S.
Hay, Sir A. L. Bart.
Hobhouse, Sir J. C.
Howard, P. H
Howick, Visc.
Hoy, J. B.
Lefevre, Charles S.
Morrison, J.
Murray, J. A.
O'Ferrall, R. M.
Palmerston, Visc.
Parker, J.
Ponsonby, J.
Rice, rt. hon. T. S.
Rolfe, Sir R. M.
Scott, Sir E. D.
Sharpe, General
Smith, Robert V.
Stanley, E.
Thomas, Colonel
Wood, Charles

TELLERS.
Gordon R.
Troubridge, Sir T.

List of the NOES.

Aglionby, H. A.
Bridgman, Hewitt
Brotherton, J.
Chalmers, P.
Divett, E.
Ewart, W.
Humphery, John
Hutt, Wm,
Johnston, Andrew
Leader, J. T.
Lennox, Lord G.
Marjoribanks, S.
Ruthven, E.
Thornley, Thomas
Warburton, H.
Wood, Alderman}

TELLERS.
Hume, J.
Duncombe, T.

Vote agreed to

Several other votes were agreed to, and the House resumed.

HACKNEY COACHES.] Alderman Wood moved the second reading of the Hackney Carriages (Metropolis) Bill.

Colonel *Sibthorp* opposed it. He disapproved of it *in toto*, and considered it utterly inadequate to its purpose.

Mr. *Warburton* thought, it unfair to move the second reading then, as many Members desirous of opposing it had gone away when they found that the hon. Alderman, at another part of the evening, was not in his place.

House divided, there being with the four tellers and the Speaker 41 Members present:—Ayes 28; Noes 8: Majority 20.

List of the AYES.

Adam, Admiral
Aglionby, H. A.
Angerstein, J.
Brotherton, J.
Ellice, E.
Goring, H. D.
Hobhouse, Sir J.
Howard P. H.
Howick, Visc.
Johnston, Andrew
Lennox, Lord George
Marjoribanks, S.
Maule, hon. E.
Morpeth, Visc.
O'Ferrall, R. M.
Palmerston, Visc.
Parker, John
Russell, Lord J.
Scott, Sir E. D.
Seymour, Lord
Sharpe, General
Smith, R. V.
Stanley, Edward J.
Thompson, Ald.
Villers, Charles P.
Vyvyan, Sir R.
Wallace, Robert
Wood, Charles

TELLERS.
Sibthorp, Col.
Wood, Alderman

List of the NOES.

Ewart, W.
Forster, Charles S.
Hughes, Hughes
Hume, J.
Leader, J. T.
Rice, T. S.
Thompson, Col.
Thornley, T.

TELLERS.

Warburton, H.
Chalmers, P.

Bill read a second time.

HOUSE OF LORDS,

Thursday, April 6, 1837.

MINUTES.] Petitions presented. By Lords ELLENBOROUGH, RAVENSWORTH, KENYON, STRANGFORD, the Bishops of ST. DAVID, HEREFORD, the Archbishop of CANTERBURY, the Earls HOWE, HARROWBY, the Marquess of DOWNSHIRE, and the Duke of WELLINGTON, from a great number of places, against the Abolition of Church-rates.—By Lord BROUGHAM, from Dunbarton, for the Abolition of Church-rates; and from various other places, for the same Object.—By Earl GREY, from Northumberland, that the Management of the County-rates may be placed under the efficient control of the Rate-payers; and from Berwick-upon-Tweed, for the Insertion of a Provision to alter the Clause which prevents them from transferring certain Debts of the Corporation.—By the Earl of RODEN, from Elphin and Clough, for a Revision of the National System of Education (Ireland).

THE MINT.] Viscount Duncannon brought up the report of the Royal Mint Bill.

Lord *Brougham* said, he still objected, on constitutional grounds, to the 4th clause of this Bill. It was the first time, to his knowledge, that power was given to the Treasury to issue money without limitation. This Bill did, however, authorise the issue of money to any amount out of the Consolidated Fund, for the purpose of purchasing bullion. It might be said, that it was not possible to know what amount of money would be required for the purchase of bullion, under different circumstances: but he conceived that the amount to be issued ought to be restricted to some specific sum, if it were 50,000*l.* or 100,000*l.*, or 150,000*l.*, beyond which it should not be legal for the Treasury to go. Due provision was not made in the Bill for the payment into the Exchequer of any balance which, after the purchase of bullion, might remain in the hands of the Master of the Mint. It was only provided, that every such issue should be applied to no other purpose than the purchase of bullion. Now, if 50,000*l.* were issued, and in consequence of the state of the market, the Master of the Mint deemed it more advisable to purchase, in the first instance, bullion to the amount of only 40,000*l.*, the balance of 10,000*l.* might be still retained by him, because finally, and when opportunity served, it would be applied to the purchase of bullion. There was no provision rendering imperative the immediate payment of such balance. He also objected to that portion of the Bill which provided, that the issues made by the Treasury to the Master of the Mint should be laid before both Houses of Parliament within ten days after the commencement of every Session. That clause of the Bill appeared to him to be very vague and unsatisfactory.

Viscount *Melbourne* said, that the object of the Bill was, to bring under the control of Parliament certain acts officially performed by the Master of the Mint, in the discharge of which he was now irresponsible; and to cause the whole of the expenses of this department to be voted annually by Parliament, upon estimates, as had never been the case before. With respect to the objection of his noble and learned Friend, he had to observe that it was absolutely necessary, with regard to the purchase of silver bullion, that a discretionary power such as was specified in the Bill should be vested in the Lords of the Treasury; because it was impossible beforehand to say precisely what amount would be required, or at what period the outlay should take place. He had no hesitation in admitting that the latter portion of the section had not been very carefully drawn, and the noble and learned Lord was quite justified in complaining of its being inaccurately worded. It was apparent, however, that the clause meant that an account of the issue of the preceding year should be laid before Parliament ten days after its meeting.

Lord *Brougham* did not by any means object to the principle of the Bill; but he was decidedly of opinion, that if this clause remained unaltered, the Master of the Mint (supposing him to discharge his duty with fidelity) would do so gratuitously, and without the exigency of any statute.

Viscount *Duncannon* observed, that a sufficient security was afforded by the circumstance that the Master of the Mint would by this Bill be enabled to draw upon the Bank of England for the amount which he actually required and no more.

Lord *Abinger* observed, that the clauses of the Bill were obscurely worded, and that it had passed without discussion through the other House of Parliament.

Lord *Brougham* said, that it was quite

clear there had been very little attention displayed in the framing of the Bill.

The *Lord Chancellor* remarked, that although there was some ambiguity in the wording of the clause, it appeared to him to be sufficiently explained by the words which appeared at its conclusion, and which described the issue as being made to enable him (the Master of the Mint) " to effect such purchase of bullion." The words " to effect" he interpreted to be the same as " to complete;" and this construction of the clause would leave no balance of money whatever in the hands of the Master of the Mint.

Lord *Brougham* pointed out the words in the clause which authorised the Lords of the Treasury " to direct the issue of such money to the Master of the Mint on account, " and said the last two words fully sustained his view of the case.

The *Lord Chancellor*, in reply, observed that the concluding passage of the clause required the Master of the Mint to account to the Lords of the Treasury for the application of all the money advanced.

Report agreed to.

Scotch and Irish Vagrants Bill.] The third reading of this Bill having been moved by Lord Redesdale,

Lord Brougham moved a clause to the effect, that no person born in England or Wales, and above fourteen years of age, should be removed to Scotland or Ireland, under the operation of this Bill.

Lord *Redesdale* objected to the insertion of this clause, on the ground that the Bill contemplated only the manner of making the removal, and not the persons to be removed.

Lord *Brougham* said, that by the operation of the Act, as at present framed, the injustice might be committed of forcing an adult of perhaps twenty-five years of age, although born in England, to quit this country, simply because he was a pauper, without having committed any offence, in consequence of a parent of his being of Irish or Scotch extraction.

The *Lord Chancellor* concurred in the opinion that a grievance might be thus inflicted, but observed, that upon a pauper family being removed (for example) to Ireland, it might be very injudicious to leave a single unprotected individual behind.

Bill read a third time and passed.

HOUSE OF COMMONS,

Thursday, April 6, 1837.

Parliamentary Agency.] Mr. *Tooke:* The object of the notice I have to submit to the House is to renew the resolution of February 26, 1830, with the addition of words carrying out the spirit of that resolution, purporting that neither the Member himself, nor any person in partnership with him, shall be engaged in transacting the private business of the House for pecuniary reward, whether such reward be received by the Member or by such partner, although by some collateral agreement the Member shall not participate in the profits of the Parliamentary business. Without, therefore, mooting the point of construction of the resolution as it now stands, and disembarrassing the question of all party feeling or personal application, it appears to me that there is no alternative between rescinding the resolution or of extending it as I propose; and I am clearly of opinion, that the latter is the course we should pursue. The profession have hitherto, as a body, to my certain knowledge, held that the resolution operated to preclude such qualified partnerships; and if once it is known that it does not, sure I am that there are several active and intelligent men among my professional brethren who will avail themselves of the latitude thus allowed to carry on a most lucrative concern. I know it may be alleged that there is no preventing near relations, or even friends, from engaging in the same course, without any tie of partnership; but this could never be carried on, or continued on the same scale of advantage as by an existing partnership, which allows of such constant and confidential intercourse as would give every facility for undue influence; indeed, as it is, a very thin partition divides us from an active, clever class of men, any one of whom obtaining by means of a limited partnership with a Member, a *locus standi* within these walls, would largely benefit by the connexion, and I had rather see a measure for rendering a practising solicitor ineligible to sit in this House than leave a door open for the flagrant abuse that might otherwise ensue. My sole motive is to protect professional respectability and Parliamentary integrity as regards Members of this House, and any one who aspires to the highest distinction which an Englishman can attain—a seat in this assembly—should, as far as in him lies, preclude the possibility even of any imputation attaching to his conduct in it, by resorting to expedients for evading or escaping the obvious intention of the resolution. It has and may be said that the late Sir James Graham and Mr. Smith of Drapers'-hall were, while in Parliament, connected in partnership with firms transacting Parliamentary business. I doubt the fact; but this I know, that both those gentlemen had died or retired from Parliament long before 1830, when the resolution was passed, and therefore their conduct whatever it may have been, did not fall within the view since taken by the House of such proceedings. Having thus endeavoured to state my views, I beg leave to move—"That it is contrary to the law and usage of Parliament that any Member of this House should be permitted to engage, either by himself or any other person, in the management of private Bills before this or the other House of Parliament for pecuniary reward, to be received by such Member, or by any person standing in any relation or partnership with him."

Sir *Frederick Pollock* observed, that he had no desire to get rid of the important question brought forward by the hon. Member for Truro by moving the previous question, or that the House do proceed with the orders of the day, or indeed by any side wind. Neither had he any desire to meet the proposition by a direct negative, but, at the same time, if he was to be called upon at once to give an opinion whether the resolution ought to pass or not, he must give it his negative to-night. He hoped, however, that the House would not be forced to come to a hasty decision upon the subject. He could not avoid directing the attention of the House to a few cases, with respect to which the adoption of the resolution would be most objectionable. In the first place, he did not think the words were proper to meet the case lately brought under the attention of the House, with reference to the hon. Member for Penryn, who was admitted to have acted *bonâ fide*, and without the slightest stain on his reputation. He thought it would be more desirable to avoid involving the House in a resolution that such a course of conduct was contrary to the laws and usages of Parliament. In the next place, he thought the resolution would, in effect, go much further than his hon. Friend himself intended. Was his hon. Friend aware that by a somewhat recent statute partnerships might be formed with reference to joint-stock banking? Many hon. Members doubtless held shares in the joint-stock banks, and under this resolution they must either get rid of their shares and partners, or see that the list of shareholders did not contain the name of any solicitor, and if so, they must take care he was not engaged in Parliamentary practice. The same remark would apply to the partners in extensive breweries of whom he knew, it not unfrequently happened that an attorney was one of them. Was his hon. Friend prepared to say, that any Member of the House, one of a brewing firm, having a partner who was in the profession, should be obliged to get rid of that partner, or take care that he had nothing to do with Parliamentary business? He hoped his hon. Friend would consent to adjourn the further discussion of the matter, as he (Sir F. Pollock) wished to have an opportunity of communicating with the members of the profession upon it, and of seeing if some better mode of meeting the difficulties of the case could not be devised and adopted. He had no desire to stifle the matter, which he admitted to be of importance, but if compelled to express an opinion upon it now, he should feel himself compelled to give it his decided negative. He would, however, now move that the question be adjourned to this day fortnight.

Mr. *Tooke* said, he should be happy to meet the wishes of the hon. and learned Member for Huntingdon, if he could be insured a certain day on which the subject should be discussed. Therefore if this day fortnight were set apart for it, he should be most happy on that understanding now to adjourn the consideration of the proposition.

Debate adjourned.

QUALIFICATION OF MEMBERS.] Mr. *Warburton* rose to move for leave to bring in a Bill to alter the property qualification of Members to serve in Parliament. He hoped the motion he was about to make would receive the sanction of the House without much discussion. It would be in the recollection of hon. Members, that early in the present Session the hon. Baronet, the Member for Cornwall, submitted a motion for the purpose of abolishing altogether the property qualification of

Members of the House. He (Mr. Warburton) would much prefer that motion to have succeeded, but as he thought there was no chance of its being carried, he proposed, not to abolish the property qualification, but to amend the law relating to it, and to enact that the property qualification should be 300*l.* per annum for cities and boroughs, and 600*l.* per annum for counties, but should not be confined to real property. The proposition was so reasonable that he could not anticipate any objection to it. The hon. Member for Cornwall, when he brought the matter forward, stated, and stated correctly, that the statute of Anne was founded with a view to increase the strength of Jacobite Members in the House, and that as the country interests were supposed to be more Jacobite than the town interests, the property qualification was required to be of real and landed property. But no such reason now existed, for it could not in these times be pretended that a gentleman who has property, not in lands, but arising from the funds, or otherwise, was not equally as fitting to be returned as a Member to this House as a person whose income was derived exclusively from real property. No one would now venture to assert, that Gentlemen whose property was wholly landed were the best qualified to discuss and consider many questions raised in the House. But the statute was easily evaded, and for that reason the present Chancellor of the Exchequer objected to its recognition in the Reform Bill. The oath, too, was left to the construction of the party by whom it was required to be taken, and being so, was not in any degree stringent. It was something like the declaration required to be made by a party who purchased a commission in the army. Such party was obliged to declare on his word and honour as an officer and a gentleman, that he had paid no more for his commission than the regulation price. The colonel of the regiment was also required to make this declaration, and yet it was notorious that not a single commission was sold for which much more than the regulation price was not given. If such a declaration as this was not binding, how could an oath upon which the party taking it could put his own construction, be so? It was because he despaired of persuading the House to get rid of the property qualification altogether that he endeavoured to persuade them to agree to amend the present law. The House had already admitted the principle in two cases. By the Reform Act persons not possessed of freehold property, but holding leasehold property to a given amount, were admitted to vote for Members representing counties. By the Bill for regulating the jury-lists, introduced by the right hon. Baronet, others, besides the owners of real property, were called on to act with freeholders. If, then, they had broken down the old property qualification in some cases, why should they object to alter it in the case of Members of that House? He called upon the hon. Member for East Cornwall to support his motion. He could do so without being chargeable with inconsistency. Would not that hon. Baronet have a better chance of carrying his own views into effect with respect to this question, hereafter, if he supported this proposition? The principal clauses of the Bill which he proposed to introduce were to this effect:—He intended to fix 300*l.* a year for boroughs, and 600*l.* for counties, as the amount of the qualification of Members of Parliament. He proposed to admit tenures of land of a different description of property to those now required. He would take leaseholds of a sufficient length of term to give the party a reasonable prospect of having an income of 300*l.* or 600*l.* a year, as the case required, secured on that leasehold property for life. He would take not only leasehold, but any description of personal property, property in the funds, for instance, or any other kind of property that was likely to give the possessor a clear income of 300*l.* or 600*l.* a year for life. If a man had a valuable collection of pictures, although he derived no income from them, still they were to be considered as personal property, and if the pictures were of sufficient value to be equal to an amount of capital that would produce a rent-charge of 300*l.* or 600*l.* a year, why should not the possession of such a collection of pictures be admitted as a qualification? [*Oh, oh.*] Why not? He would also include professional men. Why should barristers, or physicians, or gentlemen in the army and navy be excluded, if they possessed an income of 300*l.* or 600*l.* a year? He did not see why he should not also include fellows of colleges, not members of the church, who were in the receipt of the required amounts of income. Such were the terms of qualification for a seat in that House which he contemplated. In order to carry his plan into effect, he must provide in his Bill for the repeal of those clauses in the statute of Queen Anne and in the act of union between Great Britain and Ireland relating to the qualification of persons elected to serve in Parliament. With regard to certain exceptions, such as that relating to the sons of peers and others, he should leave them to be provided for in the course of the progress of the Bill. The hon. Member concluded, by moving for leave to bring in a Bill to repeal an Act passed in the reign of Queen Anne, intituled, "An Act for securing the freedom of Parliament, by further qualifying Members to sit in the House of Commons;" to repeal an enactment contained in the Act for the Union of Great Britain and Ireland, providing for the qualification in respect of property, of the Members elected on the part of Ireland, to sit in the House of Commons of the United Kingdom; and to make other provisions for the qualifications in respect of property of Members elected to sit in the House of Commons, in place of those repealed.

Mr. *Roebuck* said, he could not allow this motion to be agreed to without addressing a few observations to the House in reply to what had fallen from the hon. Member for Bridport. He protested against any insinuation of a want of consistency on the part of those who were opposed to property qualification altogether if they did not support the present motion. He was of opinion that every attempt to alter the constitution and established laws of this country ought to be based on some grave and tangible principle. They ought not to interfere with any law without due caution and deliberation. The mere interference with any law was bad in itself; it was an evil, and one that could only be justified by some great and leading principle. It could not be justified by what was ordinarily, but correctly, termed a shifting expediency, which meant nothing more than a changing of the tack and a shifting of the sails to meet every wind that blew. No alteration should be attempted, then, unless we could tell what we were about, and what the precise end was we had in view, being fully aware what it was we were seeking, and using justifiable means to obtain our object. His hon. Friend spoke of the course taken in reference to the Ballot and the Reform Bill. Why, if they had stood out for the Ballot, the same terror that carried the Reform Bill would have carried the Ballot along with it; and they who quailed before the people, if those who advocated the Reform Bill had stuck to the Ballot, would have agreed to that measure as contentedly as they did to the Reform Bill. He thought that it was a wise thing for those who at first opposed the Reform Act to accept the Bill as they did, and as it was. It would remain as it was for many a good day yet, and all those evil influences which the Reformers attempted to cut down at the time that measure was passed would again grow up in all their thorough pruriency and mischief, and they would yet have to carry a sweeping Reform of Parliament. He objected to the proposition of the hon. Member for Bridport, for, while the hon. Member stated that money-qualification was no test of the probity, honesty, or capability of any person in that House, he proposed that a person because he possessed a valuable collection of pictures should be qualified to have a seat in it. So that if a man possessed a Salvator Rosa, or a good picture of a robber, he would be duly qualified to become a Member of the House of Commons. With respect to the exception in favour of the eldest sons of Peers, it might be observed that they ought to be persons who had received an education that fitted them to occupy the important office of senators. But he had seen, day after day in that House, half a dozen instances of the utter inefficiency and incompetency of sons of Peers to sit in that House, and he could point them out. What was the qualification required to become a Legislator? In his opinion it meant that a man should have studied legislation, and jurisprudence, and human nature, and not that when he arrived at the age of twenty-one years, after having studied at Oxford or Cambridge nothing but Greek, Latin, and Mathematics, he should come into that House as a legislator. He was for carrying out a good principle to the full extent, and if their efforts to accomplish that object failed, let the blame fall on those who wished to keep up the exclusive system.

Mr. *Williams Wynn* would not offer any objection to the present motion, as he thought it might be expedient to consider the state of the law of qualification as it now stood. He had no objection to have the qualification, to consist of a permanent interest in landed property, but he had some doubt about the practicability of the scheme proposed by the hon. Member for Bridport. He had looked into a Bill passed in the reign of King William, by which qualification by personal property was allowed, but it was found difficult to render the plan really efficient. If the object of the hon. Member for Bridport in making this motion was to procure the repeal of the law of qualification by a side wind—if such was his desire, he would recommend the hon. Gentleman to seek that object by a distinct and positive motion. He said that, because he thought if any description of property was to be admitted as a qualification according to the owner's valuation, it would be folly to suppose that such a law of qualification would be of any use at all. Every one knew that property of the description referred to by the hon. Member for Bridport might be borrowed and transferred from hand to hand with great facility. To prevent a person from using a borrowed qualification, it might be required, as it was by a Bill once introduced by a noble Lord now in the other House that every Member should be required to retain the *boná fide* qualification during the whole of the time he sat in that House. He certainly was one of those who at that time did not wish the Bill to pass, but in the case of a qualification arising out of personal property only, some such provision would be quite necessary.

The *Chancellor of the Exchequer* was glad to find that the right hon. Gentleman did not oppose the motion for leave to bring in the Bill. He was at a loss to conceive what could be the feelings of those hon. Gentlemen who wished to have no property qualification at all. That was a principle which he must oppose. The question now was whether the present law did not require some improvement, and whether the Bill proposed would effect the improvement which might be deemed necessary. If they interfered with the existing law, he thought they should do so effectually, and not leave it in an imperfect state so that it could be evaded. The course of objection taken by the right hon. Gentleman, the Member for Montgomeryshire, would, he thought, be equally applicable to the present qualification as to those proposed by the hon. Member for Bridport, because it seemed at present there was somebody who would trust Members with qualifications when no property had really passed into their hands. He recollected a case, he should not mention names, of a gentleman, one of the richest men in England, and his son being Members of that House, although neither father nor son was possessed of the qualification by virtue of which they sat in it. He rejoiced that the matter had been brought before the House, and he hoped in the progress of the Bill proposed a proper amendment of the law would be made. He was therefore quite ready, for one, to give his most hearty concurrence to the motion, and even if his opinions were what they were not, and he was disposed to admit the repeal of all qualification whatever, he would not on that account object to a Bill for the amendment of the existing law.

Mr. *Leader* thought, that if a variety of qualifications were allowed, as proposed by the hon. Member for Bridport, they would, in all probability, be very strictly enforced, and the law would be more stringent, and not so easily evaded; whereas now it was notorious that the present qualification law was evaded every day. There were, perhaps, a quarter, or one-half, of the Members of that House who were possessed of a fictitious qualification only. It would, therefore, be an improvement if the law were altered, so as to compel persons to have a qualification in either land or money, or pictures, or some sort of property or other. But his own opinion was, that the proper qualification, the only real and true qualification a man could possess, was, that he had the confidence of a majority of the electors of any place that returned him. That was the only true and real qualification that ought to be required. He wished the hon. Member for Bridport had been present at a meeting of the Working Men's Association the other day, for he would have seen there men who worked for their living daily, and yet were as well qualified as many Members of that House to sit in it. Entertaining these opinions, he felt it to be his duty to move as an amendment, that the property qualification of Members of Parliament be altogether abolished.

Mr. *Warburton* had but a brief reply to make. He had mentioned the case of a collection of pictures merely in illustration of his argument. There were but two general descriptions of property, and his Bill would go to make them both available by way of qualification.

Amendment withdrawn. Leave given.

SALE OF BEER BILL.] Mr. *Warburton* moved for leave to bring in a Bill to amend the laws relating to the sale of beer. The provisions were similar to those which were contained in a Bill brought in by his hon. Friend, the Member for Lambeth, last Session. One clause proposed to fix the hours for opening and shutting beer-shops in towns containing a population of 5,000 inhabitants and upwards. Another clause proposed to enable the executors of a deceased beer-shop keeper to act under his licence. It was also proposed to enable beer-shop keepers to call in the assistance of the police to clear their houses when necessary.

Mr. *Wilks* was exceedingly sorry that his hon. Friend should attempt any legislation on this subject, especially after what had occurred on the preceding evening. He repeated what he then said, that those proceedings were inconvenient to the magistracy, to the public, and to those who had embarked capital in beer-shops. In fact, they could be productive of no good to any one.

Leave given.

POST-OFFICE.] Mr. *Wallace* rose to propose the following resolution:—"That it is the opinion of this House, that the general post letter receiving-boxes, at the branch offices throughout this metropolis, should be kept open for letters being put therein at any time convenient for the people, between seven o'clock P. M. and twelve at night, as is the case at the General Post-office in St. Martin's-le-Grand, and every post-office in the kingdom; and especially that the receiving bags for general post letters, in the Houses of Lords and Commons, be also kept open until twelve at night, thus making the time of the franking privilege all over London the same as at St. Martin's-le-Grand, and in all other towns." He observed, that this resolution affected the convenience of two classes of persons—the public at large, and the Members of that House. The plan he proposed would cost the country nothing, while it would very much promote the general convenience. It was probably well known, that all the post-office boxes at the receiving-houses, throughout the metropolis, were closed at seven o'clock in the evening, as was also the box connected with the Houses of Parliament. Now, he happened to know, from personal observation, that from the hours of seven to twelve a great many letters were put into the post-office in country-towns; but in London, people were prevented from doing this. While in all other places the post-office boxes were kept open for twenty-four hours, in London they were not open more than eleven hours in the day. He had been frequently deprived of his privilege as a Member of Parliament, by the early closing of the box; and on making a representation to the General Post-office, he was desired to send his letters thither after the hour of seven in the evening. On Monday last he did so, but he found that the letters arrived at their destination a day later than usual, and on the back of them was marked, "Put in too late." He did not see why the boxes should not be open for the reception of letters until eleven or twelve o'clock at night.

The *Chancellor of the Exchequer* admitted, that it was within the province and duty of that House to look into and control every department, and especially so important a branch of the public service as the Post-office, with the view of regulating, diminishing, or altering the rate of duty charged on letters, and correcting any abuses which might be found to exist in the general management of the establishment. But, at the same time, he put it to the hon. Member for Greenock himself, whether it would not be misapplying the functions of Parliament and the time of the House, to undertake the task of determining the hours and other circumstances attending the opening and shutting of letter-boxes throughout the metropolis. It might be all very well to convey some suggestion on the subject to the recognised authorities at the Post-office, but it was altogether inexpedient that the House should be called on at once, without inquiry and without knowing all the circumstances of the case, to adopt any general resolution on the matter. A great deal of those small matters of administration depended on minute local and other circumstances, which it was impossible for hon. Members duly to consider. The Post-office was responsible for its arrangements, and although something might be done with respect to the second part of the motion as to the receiving bags for the Houses of Parliament, which, however, would necessarily increase the number of clerks for inspecting franks, he really did not think any case had been made out, as to the first part of the resolution, for the interference of the House.

Mr. *Hume* regretted the unwillingness evinced at the Post-office to carry into effect such recommendations as the present: unless the House took the matter up, it was in vain to offer any suggestions to that department. No man deprecated more than he did any species of interference with the details of a public office, but he could not see why, for instance, all the general receiving offices should not be opened of a Sunday, or why he and every other person in the same district should be obliged to send a servant with their letters to St. Martin's-le-grand, when the general accommodation might so easily be met by leaving the slips open during the whole of that day. Much less inconvenience would have been suffered had the Bill for regulating the Post-office, which the right hon. Gentleman, the Chancellor of the E chequer, introduced last Session, been carried into effect. There would then have been a proper publicly recognised head to that department, who would take care that all the details were duly attended to; but at present the public business was sometimes altogether kept at a stand still, while the Postmaster-General was hunting or otherwise amusing himself. He did not mean to undervalue the services of Lord Conyngham, but it was quite necessary that the head of the post-office should be a permanently resident officer.

Sir *R. Peel* took that opportunity of asking the right hon. Gentleman, or any other connected with Government, what were the regulations under which Parliamentary papers were sent by post? The general impression was, that Members were entitled to send a Parliamentary paper, and provided it were of a limited weight great advantage might arise from it. [Mr. *Hume.* There is no limitation]. In that case there was the possibility of very great abuse. Suppose every Member exercised the privilege of sending reports, some of which weighed from eight pounds to ten pounds, it must obviously interfere with the arrangements of the Post-office. He could easily conceive great public advantage attending the circulation of their Parliamentary papers, but it always appeared to him that some precise regulations should be laid down as to the exercise of the privilege; for if eight or ten Members availed themselves of it, having a right to insist that the papers should be conveyed by the mail on the same day on which they enclosed them, the whole arrangements of the Post-office must be materially interfered with. He did not think that Members of that House were aware of their rights in that respect. [Mr. *Hume*, Yes, they are:] Was it, then, a fact that any and every Member might send by post? [Mr. *Hume*: Fifty or sixty books of reports.] Then if each Member had such a right it might occasion the most serious inconvenience, and there ought to be some limitation of the right, or the velocity with which the Post-office communications in this country were conducted might be materially interfered with. With respect to the proposition of the hon. Member for Greenock, he thought there would be great danger to the security of letters if it were laid down as the universal rule in consequence of an order of that House, that every Post-office in the metropolis should be kept open between ten and twelve at night, without some concomitant restrictions, for skilful thieves would contrive when there were no passengers in the streets successfully to abstract the letters. The object which the hon. Gentleman had in view would be much better answered by calling the attention of the executive officer to the subject, who would have the opportunity of considering what precautions should accompany the plan.

Mr. *Labouchere* had always considered it imperative as far as possible to transmit Parliamentary papers on the same day, although sometimes it was a matter of no small difficulty, and, from their enormous weight, interposed in all cases the most serious delay in the general arrangements of the establishment. When it was impracticable to dispatch them by the regular mails the same day, they were invariably sent off the next evening, or by the first steam packets. With respect to the opening of the general post receiving boxes on Sunday he had communicated some days ago with Colonel Maberly, who at once agreed to adopt the suggestion, and for the future they should be kept open in the same manner as the twopenny-post letter-offices. As to the other parts of the motion it would he thought be better to leave them with the head of the executive department. However difficult it was to attend to all the details, and although Colonel Maberly was already greatly overworked, having scarcely a moment to spare beyond the immediate routine of the day, for on him the whole duty of the onerous establishment rested, yet Colonel Maberly was in every respect most anxious to meet the wishes of the public, and it was no fault of his if the Post-office was not conducted in the most efficient and satisfactory manner.

Sir *Andrew Agnew* deprecated opening the general post letter boxes on the Sunday. Hon. Members might be much better occupied than in writing letters on the Sunday. But if the present system were found inconvenient, and some change were desirable, he would much prefer extending the privilege of Members sending off twenty letters on the Monday, to opening the offices on the Sunday.

Mr. *Labouchere* said, the Post-office Commissioners had recommended that letters arriving in London on Sunday morning, instead of waiting, as at present, till the Monday evening, should be sent out by the mails which left town on Sunday, towards their destination in the country.

Mr. *Wallace* observed, that with reference to Sunday deliveries in the town of Cheltenham, there were two deliveries on Sundays. Again, the Speaker of the House of Commons got his letters on Sunday. But, in Dublin, there existed this strange anomaly, that the letters from "us aliens" were delivered on Sundays, but letters from the interior of Ireland were not. The hon. Member stated that it was his intention to withdraw his motion.

Motion withdrawn.

Supply.—Army Estimates.] The Report of the Committee of Supply was brought up.

On the vote of 56,917*l.* for allowances to the principal officers in the public departments, their deputies, clerks, and contingent expenses, being proposed,

Mr. *Hume* said, that it was his intention to move an amendment to this resolution, as regarded the reduction of the salaries of the Commander-in-chief and the Military Secretary. He considered it highly detrimental that Lord Hill should hold the office of Commander-in-chief, entertaining, as he did, political opinions at direct variance with those professed by his Majesty's Government, because he had the opportunity of exercising his influence in the patronage of his office in a manner that was calculated to interfere with popular reform. He did not wish to throw any odium on Lord Hill's public conduct; but he did protest against his being retained in this office, and he called upon hon. Members who professed to be reformers, to vote with him on this occasion, in order to give the people a test of their sincerity. What could be the reason which induced a Whig government to retain a Tory Commander-in-chief? Would a Tory government have allowed a Whig Commander-in-chief to remain in office? He could state, that this subject was one in which the public felt a deep interest; and he did not go into any company, he did not meet any of his constituents, without the question being put to him, as to what was the reason which actuated the Government in the extraordinary conduct they pursued with reference to this point? The Military Secretary also entertained, as did every member of his family, high Tory principles; and considering that these high offices should not be held by individuals entertaining political opinions hostile to those of the Government, he should move that the amount of the vote be reduced the sum of 6,282*l.*, being the amount of the personal salaries of the Commander-in-chief and the military secretary.

Viscount *Howick* wished to state that he differed entirely from the opinions put forth on this subject by the hon. Member for Middlesex. The duties of the Commander-in-chief were discharged by Lord Hill with perfect impartiality. He knew no instance to the contrary, and he believed none could be produced. He hoped the House, therefore, would not consent to strike off the whole of his salary, which had hitherto been regularly granted.

Mr. *Ewart* said, that the House was now considering, not the manner in which officers discharged their duty, but the principles which they held. If Lord Hill maintained the principles attributed to him, it was impossible that they should not bias his conduct. The government of the army would never be properly conducted so long as the authorities at the Horse Guards thought differently from the Administration; and it was essential to the general welfare that the opinions of the army should be in consonance with those of their fellow-subjects.

Mr. *Robinson* complained of the inconsistency of the conduct pursued by the hon. Member for Middlesex, whose constant complaint was, when a Tory government was in power, that they appointed no persons to office but those who entertained similar political opinions with themselves. He would contend that a more mischievous doctrine than that advanced by the hon. Members for Middlesex and Liverpool, he had never heard; for the effect of it was, to convert the whole country into a political arena, and the consequence would be, that it could never experience peace or tranquillity. They were told by the hon. Member for Liverpool, that there ought to be a political army. Now, he would take upon himself confidently to assert, that this was an opinion that was not shared by any considerable number of persons in that House or out of it; and although that hon. Member and others flattered themselves that they spoke the sentiments of a great mass of the people of this country, he would say it was a most miserable delusion. He would say, that the largest portion of the respectable part of the community did not participate in the opinions to which he had referred. He knew nothing of Lord Hill but as a public officer, and he supposed he was retained in the exercise of the situation which he held, on the ground of his peculiar fitness to discharge the duties of his office. Let the House look to what the effect would be of changing any public officer on a change of government. What an expense it would incur to the country. He had seen many such changes, where persons of superior abilities had been replaced by their inferiors in that respect, while the country was saddled with the pension of the one and the salary of the other. The idea of establishing a pure democracy in the country which the hon. Member for Middlesex and his political supporters entertained, was a foolish Utopian notion which could never be realised. He protested against converting all the officers of state, magistrates and public servants, into political partisans. This system had been lately acted upon in Ireland, though the country was in such a disturbed state that it was hardly possible for his Majesty to get persons to undertake the administration of its affairs, and it had been productive there of the most prejudicial consequences. Persons who carried their opinions to such an extravagant length as this, were the greatest enemies to the quiet and tranquillity of the country.

Mr. *Roebuck* said, that his hon. Friend, the Member for Middlesex, did not wish to see all the public functionaries consisting of the friends of liberal opinions, but those leading officers of State, only, on whom depended the character of the Government. It was well known, that not only was the Commander-in-chief opposed to the principles of Ministers, but the army had been made a mere appanage to a family hostile to the popular cause. If they were not afraid to speak out on the subject, the reason of Lord Hill's being in office would be stated simply thus—The present Ministers found that they would not be allowed to come into office unless he was continued in power, and they determined to abandon the control of the army, and to effect as many improvements in other branches of the public service as they could. If Government had really entertained opinions as liberal as those which they professed, and had been desirous of doing justice to their supporters, they would have stood out and refused to come into office until Lord Hill was put out. The country expected them manfully to confess that they were liberal only on sufferance, and that they did not put out Lord Hill because they could not. Lord Hill now ruled the army in defiance of Government, and the reason was, because hon. Gentlemen opposite had too much power in that House, and were numerous enough to paralyse the efforts of the friends of the liberal cause. A little longer, and, if the state of parties remained the same, the present Ministry would be turned out. Ministers ought not to make false excuses, but should own that they could not deprive Lord Hill of his office, and therefore would not trouble themselves about the matter.

Mr. *Richards* deprecated this mode of incidentally raising a discussion upon the merits of an absent illustrious individual without notice, and challenged any person in that House, competent to form a judgment upon a military subject, to deny that the Commander-in-chief was eminently qualified to fill the situation, and had actually discharged its duties with strict impartiality.

Captain *Maurice Berkeley* said, he

could not coincide in opinion with the hon. Member who had just sat down, and he would take that opportunity of mentioning a circumstance which would show that there were just reasons to suspect that the influence of political considerations was not lost upon the noble Lord at the head of this department, and had its effect even upon those who were applicants at the Horse-Guards. A case had come within his knowledge which he would mention. At the time Lord Grey was in office, a gentleman of considerable property in Gloucestershire died and left the whole of it to his son, who, wishing to travel abroad, was desirous of the advantage of wearing the English uniform, and applied to the head of the Whig party for a commission in any regiment, he was indifferent which. Finding, however, that he could not obtain this favour through the Whigs, he went to the family of the Duke of Beaufort, whose son, Lord Edward Somerset, held a situation in the Horse-Guards. Upon making that application he fairly and distinctly said,—"My family have always hitherto been Whigs, and not on the same side of politics that you are; but if we can obtain the commission from the Horse-Guards through the influence of the Beaufort family, we shall in future be on the Tory side." The application, he believed (but he should be sorry to state it as a fact without knowing it to be such), was made through Lord Edward Somerset, and, in the space of a short time, permission came down from the Horse-Guards to Gloucestershire for the gentleman on whose behalf the application had been made to purchase a commission. A commission was purchased accordingly; and that gentleman and all whom he could influence or command, had been Tories ever since.

Viscount *Howick* rose but to make one observation. It was utterly impossible, he said, to give any answer to the statement that had just been made, ignorant as he was of the facts of the case; and when the hon. and gallant Officer reflected on what he had said, he thought the hon. and gallant Officer must acknowledge that he should not thus have brought forward a charge imputing blame to one who was not present to defend himself from the attack. He would call upon the House not to prejudge the case, but to wait until Lord E. Somerset, or some of his friends, had an opportunity of explanation; it might be that there were circumstances that would account for the extension of the favour, entirely independent of party feeling. The hon. and gallant Officer should not certainly have brought forward a charge of unfairness and partiality without giving notice to the parties implicated.

Captain *M. Berkeley* denied that he had made any charge, he had simply mentioned a fact in illustration and support of the position that it was unadvisable to intrust such power in hands that were hostile to the political principles of a Government.

Mr. *Grote* thought it hard that the noble Lord should make it a matter of complaint, that a specific and distinct fact relating to the partiality of the Horse-Guards should now be mentioned, because he understood that the noble Lord had challenged all those who disputed the propriety of continuing Lord Hill in his present situation to produce any case in which partiality had been shown by that noble Lord. But no sooner was a specific case adduced, than the noble Lord complained of it. This was a sort of argument which he (Mr. Grote) did not understand. He thought that no answer had been given to the question put by the hon. Member for Middlesex—namely, "Would Sir R. Peel, if he had remained in office, have retained a Commander-in-chief who was a Whig?" If the Gentlemen opposite were prepared to answer that question in the affirmative, then he would admit that they were now acting with consistency; but if they could not do so, then it was quite clear that they were not able to carry out the principle for which they were now contending.

Mr. *Arthur Trevor* said, that it was not important what were the politics of Lord Hill, but only whether he had suffered himself to be swayed by political bias. Could hon. Gentlemen opposite bring any charge of that nature home to Lord Hill? In the absence of Lord E. Somerset it was impossible that the hon. House could lay any stress on the circumstance that had been mentioned. After what had fallen from the hon. Members for Middlesex and Liverpool, it would be seen by what spirit the party opposite were actuated; nothing but party spirit could have dictated the amendment.

Mr. *Ayshford Sanford* declared, that he had never been able to understand why, when a change of administration took place, it should be thought right that the head of the naval department of the State should be changed, but that the head of the military department should not. He believed that the country had suffered very considerably in consequence of such a distinction being made between the two services. When Earl Grey first came into office, the right hon. Baronet, the Member for Cumberland, was placed at the head of the Admiralty, and the House was aware that many alterations were made by that right hon. Baronet in the civil department of the Admiralty which had worked great advantages to the country. He believed that the saving effected by those alterations amounted in one year to between a million and a million and a half. Now, it was his firm belief, that if a similar change had taken place at the head of the military department, the country would have reaped an equally great advantage from it.

Mr. *George F. Young* thought, the reply to the argument of the hon. Gentleman who had just sat down was very obvious. With the duties of the First Lord of the Admiralty was combined the superintendence of the civil department of the navy; whereas with the administration of the civil affairs of the army, the Commander-in-chief had nothing whatever to do; therefore it did not belong to his department to introduce those economical improvements in the civil department of the army, which were effected in the naval department by the First Lord of the Admiralty, when the right hon. Baronet was appointed.

Mr. *Aglionby* said, that according to the argument of the hon. Member for Tynemouth, if it could be shown to him that the Commander-in-Chief had a controlling power over the civil affairs of the army, the amendment of the hon. Member for Middlesex ought to be adopted. Now, he (Mr. Aglionby) thought it could be easily shown, that the Commander-in-Chief did possess that power; and if so, the hon. Member was himself bound to support the amendment.

Colonel *Thompson* said, that he did not mean in the slightest degree to derogate from the military or personal character of Lord Hill. Indeed he had had opportunities of seeing that noble Lord in situations where he showed himself well entitled to the love and confidence that was shown towards him. He (Colonel Thompson) would be the last man, therefore, to disparage the well-earned military fame or the excellent private character of that distinguished officer; but he was opposed to the noble Lord upon political grounds, and upon those grounds only. He felt that the amendment of the hon. Member for Middlesex deserved the support of all Liberal Members, and therefore he should vote for it.

Mr. *Scarlett* said, that an important motion of this sort ought not to have been brought forward by the hon. Member for Middlesex without due notice. This was only the first step of a certain party to bring the army under the control of Parliament, and he could not conceive any measure fraught with greater mischief to the country than taking the control of the army and navy out of the hands of the Crown, in which they were at present placed by the Constitution.

Sir *Charles B. Vere* said, that the army, as a body, ought not to have any political bias, and Lord Hill had proved by the admirable state of the army at present that he had supported that principle in the exercise of his command. There was no man deserved higher of his country than Lord Hill, and he ought not to be attacked by a side-wind motion of this nature.

Mr. *Wason* said, that a Tory Government had shown in the case of Lord Beresford, that they considered a military commander subject to political control. When the Duke of Wellington brought forward the Roman Catholic Relief Bill, Lord Beresford was at the head of the Board of Ordnance at that time, and the noble Lord applied to the head of the Government to know if he might be permitted to refrain from voting on that occasion; the reply of the Duke of Wellington was, that Lord Beresford might vote as he pleased, but that the Master-General of the Ordnance must vote for Catholic Emancipation.

Mr. *Villiers* was sure there was not an hon. Member in that House who was actuated by any feeling personally hostile to Lord Hill, but, upon political grounds, he thought the motion of the hon. Member for Middlesex ought to be supported.

Mr. *Hume* said, that his present course of proceeding was perfectly regular and constitutional.

Mr. *Williams Wynn* denied that the course followed by the hon. Member for

Middlesex was either regular or constitutional. What would the hon. Member gain by the success of his motion? Not the substitution of one individual for another as Commander-in-Chief of the army, but the entire abolition of that office. If the hon. Member desired to act in an intelligible manner, he ought to propose an Address to the Crown, setting forth that that House, notwithstanding the deep gratitude it felt for the distinguished military services of Lord Hill, was of opinion, that he ought to be dismissed from the office of Commander-in-Chief, because his political opinions were not such as the House could approve of. That would be an intelligible mode of proceeding, though it would unquestionably be the first proposition of the sort ever known in the history of the country. Motions had undoubtedly been made in that House relative to the army, but they were directed against the Ministry of the time being, for allowing political considerations to bias them in the disposal of military patronage. It had been said, that a Tory Government would not suffer a Whig to exercise the functions of Commander-in-Chief. Did, then the hon. Gentleman, who ventured on that statement, not know that the brother of Mr. Fox was appointed Commander-in-Chief in the Mediterranean, at a time when that gentleman was the leader of the opposition in the House of Commons? Were they not also aware that the father of Lord Grey was Commander-in-Chief in the West Indies, and that Sir John Jervis, afterwards Lord St. Vincent, had been selected from the very ranks of the opposition to command in the West Indies? In fact it was the duty of the Government to take advantage of professional merit wherever it was to be found. The hon. Member for Ipswich had told a story about the Duke of Wellington and Lord Beresford. He (Mr. Wynn) did not know whether or not that story was true, but he certainly was not disposed to believe it. With respect to the other case which had been mentioned to the House, he certainly thought that a notice ought to have been given of the intention to bring it forward. It was not fair that the reputation of an officer like Lord Hill, who had claims on the gratitude of the country, should suffer on account of anonymous statements. With respect to the question before the House, he considered, that the object which the hon. Member for Middlesex had in view amounted to an improper interference with the prerogative of the Crown. It was undoubtedly the right of the House to allot what sum it might think proper for the expenses of the army; but if a charge was intended against any individual, it ought to be stated intelligibly, and directly in the form of an address. The present proceeding was an attempt to dictate to the Crown whom it should not employ, and the next step would be to dictate whom it should employ. Thus, if the hon. Member for Middlesex's object were attained, that House would arrogate to itself the management of the army, than which nothing could be more dangerous to the constitution.

Captain *M. Berkeley* was surprised, that doubts should have been expressed respecting the accuracy of the statement he had made. He had been challenged to state names. He would do so. The gentleman on whose behalf the application was made to Lord Hill was Mr. Lovesey. The application was made by Lord Segrave and refused; but when made by the Beaufort family it was granted.

The House divided on the original vote:—Ayes 72; Noes 26: Majority 46.

List of the Ayes.

Adam, Admiral
Agnew, Sir A.
Bagshaw, John
Balfour, T.
Barclay, David
Barnard, E. G.
Bateson, Sir R.
Bennett, J.
Berkeley, hon. F.
Bernal, R.
Bolling, Wm.
Bonham, R. F.
Bramston, T. W.
Brodie, William B.
Bulwer, Edward L.
Campbell, Sir J.
Cavendish, hon. G. H.
Copeland, W. T.
Dalmeny, Lord
Donkin, Sir R.
Eaton, Richard J.
Fector, John Minet
Ferguson, Sir R. A.
Fergusson, R. C.
Fleetwood, Peter H.
Forster, Charles S.
Gaskell, J. Milnes
Goring, H. D.
Grey, Sir Geo., bart.
Harcourt, G. S.
Hay, Sir A. L., bart.
Hogg, J. W.
Howard, P. H.
Howick, Viscount
Hoy, J. B.
Johnston, Andrew
Labouchere, H.
Lennox, Lord G.
Lowther, J. H.
Lushington, Dr.
Morpeth, Viscount
Ord, W. H.
Parker, John
Pechell, Captain R.
Philips, M.
Philips G. R.
Pollock, Sir Fred.
Price, S. G.
Richards, J.
Richards, R.
Rickford, W.
Robinson, G. R.
William, Roche
Russell, Lord J.
Sanford, E. A.
Scarlett, hon. R.
Scott, Sir E. D.
Seymour, Lord
Sheppard, T.
Sinclair, Sir G.
Smith, R. V.
Stanley, Edward

Stuart, Lord J.
Thomas, Colonel
Tracy, C. H.
Trevor, hon. A.
Troubridge, Sir T.
Vere, Sir C. B.
Vivian, J. E.
Walter, John
Wynn, rt. hon. C. W.
Young, G. F.

TELLERS.
O'Ferrall, R. M.
Wood, Charles

List of the NOES.

Aglionby, H. A.
Brady, D. C.
Bridgman, Hewitt
Brotherton, J.
Chapman, M. L.
Collins, W.
Divett, E.
Elphinstone, H.
Grote George
Hall, B.
Hawes, B.
Hindley, C.
Humphery, John
Hutt, Wm.
Leader, J. T.
Rippon, Cuthbert
Roebuck, John A.
Tancred, H. W.
Thompson, Colonel
Tooke, W.
Tulk, C. A.
Villiers, Charles P.
Wallace, Robert
Warburton, H.
Wason, R.
Williams, W.

TELLERS.
Ewart, W.
Hume, J.

IMPRISONMENT FOR DEBT.] On the motion of the Attorney-General the House resolved itself into a Committee on the Imprisonment for Debt Bill.

On the 12th Clause being read,

Mr. *Richards* said, that he understood, from various letters he had received, that numerous petitions would have been prepared against this obnoxious measure, had not the nature of the first division on the Bill been misunderstood in the country. The provisions of the Bill were of the most vexatious character; and would compel a creditor to expend 200*l.* or 300*l.* for the chance of recovering a debt of 50*l.* The creditor, after two actions, after having held out to him the vain and delusive hope of recovering his debt, and having been defeated, would be left without any sort of redress, and would not only lose his original debt of 50*l.*, but would be out of pocket upwards of 100*l.* in expenses. And this was the sort of boon which the learned Attorney-General, in his wisdom and goodness, bestowed on the commercial world. But this was not all. If the clause of which the hon. and learned Attorney-General had given notice to follow the 17th, should pass into a law, a gross injustice would be done to the 50*l.* creditor. In that clause the Attorney-General proposed, that where a man was creditor for 100*l.*, he should have the power, unless his debt was paid within twenty-one days, or the debtor could give approved security, for which he would have to offer two sureties—of making his debtor a bankrupt on the twenty-second day. Now, it was evident, that in all cases where the 100*l.* creditor possessed this power, he would exercise it if he thought that he could not get his money as soon as he wanted without it. But what would be the result of clothing the creditor with this extraordinary power? It would lead infallibly to that abuse which the bankrupt laws were most particular in guarding against—namely, the giving of an undue preference to a particular creditor. But the hon. and learned Attorney-General, in the fulness of his wisdom and from his desire to conciliate some great men in the city with whom, he was told, the hon. and learned Gentleman held communion, gave the 100*l.* creditor this monstrous power of making his debtor bankrupt, if his own individual debt were not paid in three weeks. "Well, but," the learned Attorney-General might say, "supposing the debtor to be made a bankrupt by the 100*l.* creditor, the 50*l.* creditor will come in for his share of the estate, as well as the man who makes the bankrupt." That was very true, if matters came to bankruptcy; but, of course, this would be the very thing which the debtor would wish to avoid, and in ninety-nine cases out of one hundred where there were any effects, the debtor would, at any loss, pay the 100*l.* creditor his debt in order to avoid the *Gazette*, while the 50*l.* creditor, at the end of two or three years of litigation, would be left without recovering a farthing of the money owed to him, and greatly out of pocket by the expenses of prosecuting his claim. Why should more indulgence be given to the great than the small creditor? Again, it was provided that if a man made affidavit that such and such a person, being a trader, was indebted to him in the sum of 200*l.*, then, unless the money was paid within twenty-one days, or the trader found two sufficient sureties for the payment of the debt and costs, he was to be declared a bankrupt. He believed it was Solomon who said—he was not quite sure it was Solomon, for he read it about forty years ago—"Be surety for no man." Suppose any man made an affidavit that an hon. Member of that House owed him 10,000*l.*, and that hon. Member was a trader. He might be worth 30,000*l.*, and yet be unable to pay the money within twenty-one days, or to find sureties for so large an amount; he would then be made a bankrupt on an affidavit. This was what must be the inevitable result of the 18th Clause, if it became law. With regard to the clause at present before the Committee, he felt sure that the *50l.* creditor would rather wave his debt, than attempt to recover it by proceedings so expensive and tedious as those which the clause prescribed. Yet this was the measure on which the Attorney-General so much plumed himself, and for which he expected to get the thanks of the mercantile community. He should further observe, that this 12thClause, except so far as the 18th Clause restored them, repealed the whole of the bankrupt laws, while the fraudulent debtor, by the aid of the 6th, 7th, and 8th sections, would be able to concert measures by which he might give an unfair preference to one creditor over others. He should now merely say, that to this 12th Clause he should give a decided negative, and he moved that it be struck out of the Bill, and he would divide the House upon the question.

Sir *Frederick Pollock* was anxious to call the attention of the Committee to the bearing of this clause. For his own part, he was not an advocate for anything like arrest for debt, except in extreme cases; and he was decidedly in favour of abolishing imprisonment for debt so far as was practicable. He must, however, admit that his hon. and learned Friend opposite had not carried out the recommendations of the Common Law Commissioners in this particular, and he really could not go along with him in admiring the policy of this clause. According to the report of the Commission, of which he had the honour to be a member, it was recommended that every facility should be given to make the property of the debtor available to his creditors. He must say, that the details of some of the clauses of this Bill did not contain sufficient machinery to carry this object into effect. Any man not arrested for debt, and against whom a judgment had been obtained, finding himself without the means of paying his creditor in full, might, as the law now stood, go to prison and petition the Insolvent Debtors' Court. It was in his power, when pressed by an arrest or by demand for the payment of a judgment debt, to apply to some tribunal, and make a *cessio bonorum* for the benefit of his creditors. It was his opinion that the debtor without going to prison ought to have the opportunity of dividing his property among his creditors fairly; but that ought to be followed by a clear and undoubted discharge from his liabilities, so that he might not be harassed again. Now, this clause made the same provision for one single judgment creditor, which the law had never created before, except for the purpose of dividing the debtor's property among all his creditors, and giving the debtor himself a release from the engagements which he had contracted. If a person of large property were sued for a judgment debt, and the debt were not paid instantly, not all his creditors, but one individual creditor, might call upon him for a schedule of all his effects—not merely a schedule of property sufficient to satisfy that particular judgment, but he could call upon him to disclose all his concerns, and if the debtor on his examination gave dissatisfaction to the Commissioner, he could be brought before a judge and sent to prison till he should satisfy the judge. Now, he did not see the great advantage of this course, and he saw a very great disadvantage in making every creditor of the party the investigator of the debtors' concerns, *toties quoties* every time a judgment debt was obtained, while the debtor every time got no discharge at all. Constant complaints were made of the proceedings under a commission of bankruptcy in consequence of their inquisitorial character, and in the Insolvent Court the case was the same. The system of forcing a debtor to make a complete discovery of his property by sending him to prison if he gave dissatisfaction, and keeping him there until the judge was satisfied, ought at least to be followed by some corresponding advantage to him. He would not, as the clause stood, be in the same position as an insolvent debtor or a bankrupt under the present law, and after successive examinations by separate judgment creditors, after he had been stripped of every farthing, he would be incapable of obtaining fresh credit, if an Act of Parliament did not give him relief from his liabilities. His hon. and learned Friend the Attorney-General might perhaps object to a *cessio bonorum,* but if this clause were framed on this principle, he for one should object to it, as being exceedingly harsh and severe. It was contrary to the principles of the law of England, and he was astonished that his hon. and learned Friend should think of giving a single judgment creditor the whole power of bankruptcy and insolvency to enable him to get his debt paid, and yet give the debtor no relief. His hon. and learned Friend said, he wished to abolish imprisonment for debt; but under this clause where was the difference between the present and the proposed law? Was there any difference in going to gaol on a Commissioner's warrant or a sheriff's writ? or was there any magic in the former which would infuse a greater share of candour into the breast of a debtor? If a debtor wished to defer paying his debts, what would he do? He would say, "You ask me for a schedule—I shall not give it you" He would then be taken before the Commissioner, who would ask him, "Will you make a disclosure of your property?" "No," "And why not?" "Because it would ruin me. If I go to prison for three or four months, I shall be able to pay all my creditors, and have enough for myself; but if I make a disclosure of my concerns now, you will seize all my effects and sell them in such a manner as will be my ruin." Now then, were they prepared to give the judgment creditor this power, and yet not extend the slightest relief to the debtor as something thrown into the other scale? A man who avails himself of the Bankrupt and Insolvent Acts knows that he delivers up his assets to all his creditors; he knows therefore, in the first place, that all his creditors have a common interest, generally so at least, some cases of fraudulent preference excepted; and thence he knows, in the second place, that the assignees can have no interest to squander and throw away his property, but that they will make the most of it, and try to get 20*s*. in the pound for all. They might not succeed in doing so in cases of insolvency; but they often did in working commissions of bankruptcy; and sometimes they even realised a surplus. Well, whether or no they contrived to get a surplus, the importance of carefully managing the estate would at least remain unquestionable. By this clause they proposed giving the power of enforcing a disclosure of all a debtor's property; by some antecedent clauses they had empowered the sheriff to seize and assign all the property of a debtor. Suppose, then, a man to have a debtor for 500*l*., and the debtor be found insolvent; the creditor would get his judgment; he would get his assignment; he would try to pay himself; he would turn every thing he could into money; he would sell reversions, remainders, and interests of all kinds, regardless of the imprudence of selling them at unfavourable periods careless whether one farthing would or might be made to remain for other creditors, or for the debtor himself, and intent solely on making up his 500*l*., and the costs of recovering it. This could not be the case now, or, if it were the case, it behoved the Attorney-General to meet it —it was the duty of the House to look into it, and if such an error did exist, to cure, not to copy it. Insolvent cases, he knew, were rarely worth pursuing; the Insolvent Commissioners on their circuits only emptied the gaols without benefit to the creditors: but that was not the case in bankruptcies, when once it was thought worth while to issue a fiat. That system might not be perfect, but it was better than one which would admit the creditors to come in separately. Now, the proceeding itself under the clause, when called for, would not be operative. He could not see what difference there was between the warrant of a Commissioner and the writ of a sheriff, by which the former could compel a debtor unwilling to disclose, to make a disclosure under the the threat of doing no more than the latter —sending him to prison namely. If they wished to give power to the Commissioner, they should give him the power of protecting the debtor—they should do so by enabling him to make the debtor do justice to all. Did they expect the debtor would obey the command to disclose for the benefit of one creditor only? No, he would not; he would declare his intention to go to gaol—he would refuse to be a party to the fraudulent preference against the other creditors proposed to him. He had had the honour of being a member of the Common Law Commission, as would be recollected; he had joined in the recommendation of that commission he saw no reason to deviate from those recommendations; but those recommendations had been accompanied by no practical details. He wanted to see the machinery by which those recommendations were to be carried into practice perfect. He agreed with his hon. Friend the Attorney-General, that it was expedient to limit imprisonment for debt. He was aware that in so doing a saving would be made to the community in the expenses of abortive suits, useless and harassing proceedings, amounting to between 250,000*l.* and 300,000*l.*; he was desirous of seeing the principle carried out; but, because he thought that it would confer no more benefit on the debtor than he possessed now—because he thought it would not operate with greater terror on the debtor than the provisions of the present law—because he thought that it would give an undue preference to one creditor over another, he should negative the proposition that this clause stand part of the Bill. He never would support a measure for squandering and throwing away insolvent property.

The *Attorney-General* was glad to find that the opinions of his hon. and learned Friend had remained unchanged; and to him, as an authority, he would refer the hon. Member for Knaresborough. His hon. and learned Friend agreed that the creditor should be invested with a more direct remedy against the property of the debtor; he did not disapprove of the preceding clauses, which placed within the reach of judgments property and interests which formerly had been beyond them, but he objected to the 12th. Now, it must be obvious, that the new remedies would be in practice useless, unless a power were created of compelling debtors to make disclosures of the property henceforth to be surrendered to their creditors; this was only what was done by the 12th clause: it was necessary to carry the others out. The power of compelling the debtor to produce a schedule was substituted for the power of incarcerating his person; and this substitution was complained of as a hardship. It would but rarely, even as now imprisonment for debt, be put in force in cases, namely, where suspicion of concealment attached to the debtors. His hon. and learned Friend had complained of the imperfection of the proposed *cessio bonorum.* In the former Bill he had tried more than he could effect; and he thought it better to have this less measure. His hon. and learned Friend doubted that a debtor would be discharged; he thought there was nothing to prevent a discharge if a voluntary *cessio bonorum* were made. In consequence of an interview with which he had been honoured by a deputation, at the headof which was the Governor of the Bank, he had given notice of a clause, by which the advantages of an act of bankruptcy would be secured to all parties three weeks after the filing of an affidavit by the creditor or creditors of a debt amounting to 100*l.*, or debts amounting in the whole to 150*l.* or 200*l.*, and that the debt or debts were just, and the service on the debtor of a copy and a notice requiring payment. This was taken from an Act of Parliament passed in the 6th of George 4th, by which, under similar provisions, Members of Parliament were made liable to be declared bankrupts. He wished to make insolvency unambiguous; and he thought that inability to pay, to compound, or to secure a debt in three weeks after demand was a correct test. According to his proposal, it would be three weeks after demand without requiring judgment. Believing that the measure met every part of the case, that there was no hardship in it, and certainly no hardship equal to those inflicted by the present law, he should vote for it.

Mr. *Richards* thought that the Attorney-General should have chosen the sums in the additional clause of which he had given notice, so as to include the interest of the community, and not in such a way as to consult the interests of the powerful deputation from the city only.

Sir *F. Pollock* asked, whether the Attorney-General would consent to a clause or proviso, giving a party against whom judgment and notice had issued, an appeal under the 12th section to the Insolvent Debtors' Court. As the Attorney-General would leave the clause, there would be three codes—the insolvent code, which would apply to cases of injury; the bankrupt code, which would apply to trade; and this special code, applying neither one way nor the other. Were a man relieved by the Insolvent Court, a person could afterwards afford to give him credit, because in that court the equity of subsequent creditors is preserved. Under this code no such credit could be given, for no such equity would exist. It would be better to make but one insolvent code; he however, preferred two. The notice alluded to would not meet the case of a trader, and he thought all creditors and all debtors ought to have, respectively equal benefits. Would the Attorney-General consent that the debtor might apply within fourteen days to the Insolvent Court? The debtor would then have the protection of a fit code.

The *Attorney-General* said, that it was utterly impossible for him to hesitate about disagreeing to the proposition of his hon. and learned Friend, on account of the mishief which had already arisen from the operation of the Insolvent Debtors' Act.

Mr. *Hawes* thought the proposition of the hon. and learned Member for H ntingdon a very extraordinary one, considering that the hon. and learned Member was one of the Commissioners who signed the report on this subject, in which great stress was laid on the waste of property which took place in the Insolvents' Court. His intercourse with commercial men led him to a conclusion quite different from that to which the hon. Member for Knaresborough had come respecting this Bill. He considered that it would be a great improvement on the existing system.

Mr. Alderman *Copeland* said, that at the present moment a great many men were kept out of their resources by the elements. He wanted to know what would be the effect of this clause, supposing that those individuals so deprived of their resources by the elements should be compelled within one and twenty days to come forward and disclose their assets to any single creditor? If you give the creditor the power of compelling such disclosure, you should give the debtor protection, by giving him a release from the claims of those creditors who availed themselves of that disclosure. It would be too bad to let a debtor be cited by creditor after creditor, to make this disclosure, and then when that disclosure had been made, to his great expense and loss, to leave him in such a situation as would disable him from ever rearing up his head again. God forbid that such should ever be the law of this country. He looked upon this Bill as an axe laid to the root of the commercial credit of the country. He should certainly divide against this clause, as it gave the creditor an advantage for which the debtor received no equivalent.

The *Chancellor of the Exchequer* reminded the hon. Alderman that he ought to contrast the mischiefs arising from the present law with those which he anticipated as likely to arise from this clause, to which he so strongly objected.

Mr. *Grote* said, that the true answer to the objection of the hon. Alderman opposite (Alderman Copeland) appeared to him to be, that this clause could not come into operation until the creditors should have obtained judgement against the debtor, and he was sure that no commercial man would assert that the obtaining of a judgment was not an injury to the commercial credit of the person against whom the judgment was obtained.

Mr. *Harvey* was fearful this clause had not been considered with the attention it deserved. The effect of it would be to give an undue preference to the relentless creditor, and to prejudice the interests of the indulgent. It moreover gave encouragement to fraudulent transactions, and denied protection to the unfortunate debtor. He was decidedly an advocate for the abolition of imprisonment for debt; at the same time, the creditor ought to be armed with prompt means wherewith to realize the assets of his debtor.—The mode of effecting this was the question. The present Bill enacts that after judgment obtained, the creditor may call for, and at a future time enforce, a schedule of the assets of the debtor. But in the interva (and three months is the shortest period in which such schedule can be effectively obtained) arrangements may have been matured by which all his property may be disposed of, and the creditor exposed to a vexatious amount of law expenses by way of addition to a debt now made worthless. But in cases where no fraud is practised, and the debtor insolvent, yet not subject to the bankrupt laws, why should one creditor sweep away every thing, leaving the debtor exposed to the unsatisfied demands of his exasperated creditors?—The moment a man is found to be incompetent to meet his engagements, an equal distribution of his effects should be made, and when no fraud is imputable to the debtor, his future liability should cease. To effect these two objects—an early and easy distribution of property and the acquittal of the debtor,—there can be and ought to be no difficulty, but he was sorry to be compelled to say the remedy was not provided by the present Bill. He was satisfied the Attorney-General had given great and unwearied attention to the subject, but he was opposed at every turn, which made it a hopeless toil for him to effect what is really desirable. A Committee of the whole House was not the suitable tribunal for such an inquiry; which ought to be before a Select Committee of professional and commercial men, who would sift the subject in all its bearings and intricacies. Equally unsatisfactory was it to hear hon. Gentlemen express their indifference to the discussion, as the crudities and absurdities of the Bill would be corrected in another place. The House of Commons ought to be able to frame and mature its own measures, or it could never answer the ends of deliberative legislation. However, if this Bill were the best that could be offered by the Attorney-General, with any prospect of its final success, he would vote for it, in the hope that progressive measures would be framed, by which the law of debtor and creditor might be placed upon a more satisfactory footing.

The Committee divided on the clause:—Ayes 71; Noes 22: Majority 49.

On the 13th Clause being read,

Sir *Frederick Pollock* objected to it, ar giving to a single Commissioner the powe of committal, which he deemed to be unnecessary, and as giving to the Commissioners conjointly the power of making rules and orders without any control over them, save that of the Lord Chancellor.

The *Attorney-General* defended the clause. The rules and orders which the clause entitled the Commissioners to make only related to the practice of their court. The Commissioners of Bankruptcy had told him that they could not exercise their functions properly unless they possessed the power of committal, and therefore he had given it to them by the clause.

Mr. *Tooke* objected to the clause, and declared his intention of dividing against it.

Mr. Richards moved, that the Chairman report progress.

Sir *Frederick Pollock* supported the motion, in order that the matter might be discussed in a fuller House. He was unwilling to invest the Commissioners with the power contemplated in the clause.

The Committee divided:—Ayes 12; Noes 37: Majority 25.

First Division—List of the Ayes.

Adam, Sir C.
Aglionby, H. A.
Angerstein, J.
Bagshaw, John
Bellew, Richard M.
Berkeley, hon. F.
Boldero, Capt. H. G.
Brady, D. C.
Bridgeman, H.
Brodie, W. B.
Brotherton, J.
Bulwer, E. L.
Campbell, Sir J.
Chalmers, P.
Chichester, J. P. B.
Codrington, Sir E.
Collins, W.
Dundas, J. D.
Ellice, E.
Elphinstone, H.
Ewart, W.
Fergusson, R. C.
Fleetwood, Peter H.
Forster, C. S.
Fort, John
Gordon, R.
Grey, Sir G.
Grote, George
Hall, Benjamin
Harvey, D. W.
Hastie, A.
Hawes, B.
Hay, Sir A. L.
Hindley, C.
Houstoun, G.
Howard, P. H.
Hutt, W.
Leader, J. T.
Lennox, Lord George
Lennox, Lord A.
Marjoribanks, S.
Morpeth, Viscount
Morrison, J.
Murray, J. A.
Paget, F.
Parker, John
Pattison, J.
Pease, J.
Pechell, Capt.
pinney, W.
ponsonby, J.
Rice, rt. hon. T. S.
Roche, William
Russell, Lord Charles
Seymour, Lord
Smith, J.
Stanley, E. J.
Stuart, Lord D.
Stuart, Lord James
Tancred, H. W.
Thompson, Col.
Thornley, T.
Townley, R. G.
Tracy, Charles H.
Troubridge, Sir T.
Tulk, C. A.
Villers, C. P.
Walker, R.
Warburton, H.
Williams, W.
Wood, Alderman

TELLERS.
Rolfe, Sir R. M.
Maule, hon. F.

List of the Noes.

Baring, T.
Blackstone, W. S.
Bonham, R. Francis
Chandos, Marquess
Corry, H.
Eaton, R. J.
Elley, Sir J.
Farrand, R.
Gaskell, Jas. Milnes
Goulburn, Sergeant
Lowther, J.
Peel, Colonel J.
Richards, J.
Ross, Charles
Sheppard, T.
Somerset, Lord G.
Tooke, Wm.
Trevor, hon. A.
Vyvyan, Sir R.
Walter, John
Wynn, rt. hon. C. W.
Young, J.

TELLERS.
Pollock, Sir F.
Copeland, W. T.

Second Division—List of the Ayes.

Brotherton, J.
Copeland, W. T.
Farrand, R.
Harvey, D. W.
Hindley, C.
Lowther, J. H.
Pollock, Sir F.
Sheppard, T.
Sibthorp, Colonel
Tooke, W.
Trevor, hon. A.
Young, G. F.

TELLERS.
Richards, —
Goulburn, Sergeant

List of the Noes.

Adam, Sir C.
Aglionby, H. A.
Angerstein, J.
Berkeley, hon. F.
Brady, D. C.
Bridgeman, H.
Chalmers, P.
Collins, W.
Dundas, J. D.
Elphinstone, H.
Fergusson, rt. hon. C.
Fleetwood, P. H.
Forster, C. S.
Gordon, R.
Grey, Sir G.
Hall, B.
Hastie, A.
Hay, Sir A. L.
Howard, P. H.
Leader, J. T.
Lennox, Lord G.
Lennox, Lord A.
Maule, hon. F.
Morpeth, Viscount
Murray, rt. hon. J. A.
Parker, J.
Rice, rt. hon. T. S.
Rolfe, Sir R. M.
Russell, Lord C.
Stanley, E. J.
Tancred, H. W.
Thompson, Colonel
Thornley, T.
Troubridge, Sir E.

	TELLERS.
Walker, R.	Attorney-General, the
Warburton, H.	Hawes, B.
Williams, W.	

Clause agreed to. House resumed.

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HOUSE OF LORDS,

Friday, April 7, 1837.

MINUTES.] Bills. Read a third time:—Royal Mint.

Petitions presented. By Lords KENYON, BEXLEY, ABINGER, and other Noble LORDS, from Bath, and various other places, against the Abolition;— and by Lord BROUGHAM, Earl of RADNOR, Viscount MELBOURNE, and other Noble LORDS, from Holderness, and various other places, for the Abolition of Church-rates.—By the Marquess of CAMDEN, from the Guardians of Sevenoaks Union, against any Alteration of the Poor-law Amendment Act.

APPENDAGE TO A PETITION.] Lord *Wynford* presented several petitions from places in Suffolk and Kent against the abolition of Church-rates; to one of which he observed, after it had been signed by certain parties there was appended a statement, signed by the churchwardens, assigning additional reasons for supporting the system of Church-rates, and vouching for the respectability of the petitioners.

Lord *Holland* said, it was not usual to present a petition with an additional statement annexed to that petition. It was contrary to the established usage of the House to receive such a petition.

Lord *Wynford* said, he knew not of any rule which prevented the House from receiving a petition of this description. He thought that it deserved the attention of the House, as it came from persons of great respectability.

Lord *Holland*: All he meant to say was, that it was against the usage of the House to receive such a petition. And he would observe, that the course taken by the noble and learned Lord in sifting out the characters and circumstances of those who signed petitions was, to say the least of it, ungracious. By petitions alone could the great body of the people represent their grievances to the House; and he looked upon it as very ungracious to institute minute inquiries into what was called the respectability and the situation in life of those by whom they were signed.

Petition withdrawn.

POOR LAW AMENDMENT ACT.] The Bishop of *Exeter* said, he had several petitions to present to their Lordships on a subject which was extremely interesting to the whole country, but most especially to that part of it from which those petitions emanated. He alluded to the Poor-law Amendment Act. The petitioners were all, without exception, more or less adverse to this Act, and there was another point on which they agreed—namely, that they all came from the northern parts of this kingdom, where a much greater feeling prevailed, with respect to this important subject, than existed in the more southern parts. Their Lordships knew that the great argument in support of the necessity of this Act was the system of maladministration which was said to exist under the old Poor-law. It was that which induced the Legislature to entertain a measure of a very extraordinary kind—he would not say of an improper or unworthy kind—a measure that would hardly have been entertained if the administration of the old law had not become almost intolerable. He believed, however, that the northern districts were free from the maladministration of the old law; and, therefore, it was felt as a very great hardship that any attempt should be made to introduce the new system into those districts. All the petitioners felt and complained that there was much unnecessary cruelty in many of the provisions of this Act, and those who did not allow that there was any cruelty in the measure would, nevertheless, he believed, agree in thinking that it would not have been necessary to have introduced this new system if the old law had been administered in all parts as it had been administered in the north. It would have been only necessary to introduce remedial measures in those northern regions, where there had been very little abuse of the old law. In his opinion the existing law would not have been entertained, if at the time that the Bill was before Parliament their Lordships could have seen the extent to which its provisions would be driven through the agency of Commissioners. He was perfectly sure that if, with reference to many of these particulars, their Lordships had had the power of foresight, the Bill in question would never have been enacted. Some of these petitioners prayed for the total repeal of the law. With these he did not concur. There were others who wished very large amendments to be made in this Bill; and, with their Lordships' permission, he would state, generally, what the prayer of the petitioners was, and what the parts of the

Act were which appeared to those petitioners to deserve the strong terms they applied to it when they stigmatised it as an act of "cruelty and oppression." The first petition was from Bradford, in Yorkshire, and was signed by 2,000 persons. That petition implored their Lordships to repeal those parts of the Act which related to bastardy; those parts that authorised the adoption of a diet and regimen unworthy of being imposed on Christian men by Christians, and those parts of the Act that gave a power to order the unlawful and unchristian separation of man and wife, of parent and child, which were opposed to the law of God, and were cruel and oppressive. Another of the petitions was from Kendal, in Cumberland. It was also signed by 2,000 persons, and was very nearly to the same effect. He had also a petition from North Priory, signed by 600 persons, of a similar character. The two last petitions intrusted to him went to a greater extent than those which he had already mentioned. They were very numerously signed, and the petitioners prayed their Lordships to repeal this obnoxious law. They said, that they looked to their Lordships as bound to take especial care of the interests of the poor—as bound especially to protect the interests of that class of the people to which they belonged. There was no necessity for him to say whether he agreed in the reasons which the petitioners advanced, to show that the interest of the poor ought to be the especial care of their Lordships'—there was no necessity for him to state any reason why their Lordships ought to consult the interests of the poor, because there was not one of their Lordships who had not the strongest desire to attend to those interests. That, he was convinced, was the feeling on both sides of the House; and therefore it was unnecessary for him to expatiate further on that point. One of these petitions was from Bolton-le-Moors, which was signed by 8,400 persons, amongst whom were many highly respectable persons. At the head of them was one of the best and most excellent of men, the Rev. Mr. Slade, the clergyman of the parish, a truly pious and exemplary pastor. He was a most sober-minded individual, and would not agree to anything of an irritating or agitating character. But, marking the feelings of those around him, participating in those feelings as just and proper, and knowing that there was no necessity to alter the system of granting relief to the poor in that country, he joined with the petitioners in imploring their Lordships to repeal this law. He did not mean to detain their Lordships at any length in stating his own opinion on this subject; but having taken these petitions into his charge, and having, when this measure was under the consideration of their Lordships, declared his dissent from different provisions contained in it, he deemed it to be his duty, on this occasion, to state how far he agreed with the rev. personage to whom he had alluded. He did not concur with him in calling for a repeal of the measure, because he thought that its obnoxious provisions were capable of being remedied without the whole Act being repealed. But this he must say, that there were parts of it which ought undoubtedly to be erased from the statute-book. He rejoiced to think, that an enquiry was now going on in the other House of Parliament into this subject; and he trusted that the result would be to prove to their Lordships the real character and effect of the regulations issued by the Commissioners, and that it would lead to a happier, and purer, and more humane administration of the law. If it were shown that this Act had really been productive of good, he trusted that no clamour would induce Parliament to repeal it. But whatever might be found ultimately to be the operation of this Act, looking to that operation generally, there were some parts of it which he held to be objectionable in principle, because they were injurious to morals and abhorrent to the feelings of those who came within the scope of the law. Those parts, whatever might be the result of the examination elsewhere, or whatever might be the result of an investigation authorised by that House, ought, in his opinion, to be repealed. In the first place, there was the clause respecting bastardy. On that point, when the Bill was under their Lordships' consideration, he had stated his opinion, his unequivocal reprobation of it, and he should now only say, that at the present moment, in no one respect, was the opinion which he then delivered altered or changed. The next point to which he would advert was that which might be denominated the main point of objection. He spoke of the workhouse system. The petitioners were not averse to a workhouse system under humane regulations, but as the system was now pursued it amounted to incarceration for life in many instances. The powers of the Commissioners under that head were of such a nature, they were so extensive and so arbitrary, that they ought not to be endured. In his opinion, out-door relief ought not to be refused to those who, with their own very small means of support, and a trifle of relief, might be able to keep out of the workhouse. But, under the present system, infants who were wholly incapable of doing anything were consigned to the workhouse, instead of some allowance being granted, by which their parents would be enabled, with their own assistance, to support them. Those, too, who were verging on old age, though able to do a little for themselves, but not sufficient for their whole support, were likewise doomed to the workhouse. Now, when persons of that time of life were placed in the workhouse, there was no conceivable mode by which they could be rescued from it—there they must remain for life. The alternative of persons thus situated was, either that they must enter the workhouse, or submit to the penalty of being starved if they refused. If individuals of this description entered the workhouse, and continued there for some time, it would be inexpedient to turn them adrift even at their own request. And the matter resolved itself into this—that the poor man, if advanced in years and enfeebled, must, when once he entered the workhouse, remain there for the rest of his life; and, so long as he received relief, he was subjected to a severe and rigorous imprisonment. Now he objected to what was called the classification of the inmates of the workhouse. In order to prevent those enjoyments which the unfortunate poor would otherwise possess, it was deemed necessary to introduce the restraints of an actual prison. To make the plan still more irksome, to make it still more oppressive to its unfortunate inmates, the husband was separated from his wife, the children from their parents. It might be said, and it had been said, that this was no more than persons connected with certain professions were compelled to endure. An officer, it was contended, in his Majesty's army was obliged, when sent on service, to tear himself from his wife and family, in order that he might follow the honourable duties of his profession. But here lay the difference—such a man was a free and voluntary agent. He might refuse to proceed on service, or he might choose to go abroad. Besides, the officer knew, that while pursuing his honourable career, his wife would be enabled to watch over his family, to attend to their morals, and to provide for their education. Their Lordships would see that such was not the case with the inmates of these workhouses. The husband, while he felt all the misery of a separation from his wife and children, endured the additional misery of knowing also that his wife was separated like himself from her offspring—that she had no opportunity of superintending their education—that she was not allowed to look after their moral welfare at that period of life when her fostering care was most necessary and most valuable. In those workhouses, it should be observed, a mother was not permitted to see her daughter whilst it was above seven and below sixteen years of age. He must state, that he had no doubt of the humanity of intention on the part of those who framed the orders. His charge was against their judgment, not against their humanity. It was true, that in special cases, where individuals were very aged, or very infirm, the guardians were allowed to relax from this rule, and, in such cases, the system of separation was not enforced. But where that was the case, special reasons must be adduced on behalf of the parties applying for a relaxation of the rule. The Commissioners must be satisfied of the existence of a special reason, strong enough to establish the propriety of breaking through the general rule, before they could permit the oldest man and woman in the country, submitted to their authority, however great their affection, to pass the brief remainder of their lives together. There was a class of persons for whose protection he (the Bishop of Exeter) did not feel the same jealous anxiety—he meant the class of able-bodied labourers. He was quite aware that, in many parts of the country, particularly in the rural districts, it was absolutely necessary to impose some very strong restrictions on the temptation to idleness which would naturally be afforded, by facilitating the means of extending relief to the able-bodied. Upon this part of the subject he would, therefore, refrain from saying much, although, with reference to the law by which husbands were separated from their wives, and parents from their children, he would extend even to this description of persons some consideration. Waving the enforcement of their claims to protection, he would now come to another class of persons, who, he could not help thinking, were treated with great and unmerited cruelty. The class to which he referred was one upon which this Act had not as yet, except in a few instances, been brought into operation. He alluded to the class of manufacturing labourers. Of this class there were indeed very few individuals out of employment in consequence of their seeking parish relief. The amount of such relief could not compete with the produce of their own industry; and it was not, indeed, possible that the parish could afford to them such an extent of relief as would amount to a temptation to idleness. This was a class, therefore, which, in considering the details of a statute like this, was deserving of peculiar consideration. The statute, however, seemed to have been framed as if there were no class of poor but that which consisted of agricultural labourers, and to proceed on the supposition that an able-bodied labourer in the rural districts, if disposed to exert himself, must always find a sufficiency of work. In this principle, considered as a general proposition, there was undoubtedly much truth; and under no circumstances, could the increase of agricultural produce be considered otherwise than as a great gain. Since, therefore, no danger could be apprehended from excess in this respect, the encouragement of agricultural industry must necessarily be beneficial to the country at large. But, with regard to manufacturing produce, could the same thing be asserted? Could it be said that it was desirable—if it were possible—to force the manufacturer, in case of his inability to pay the ordinary rate of wages, in consequence of a glut in the market, or of other causes, to continue to employ the labourer at a sufficient amount of wages, to prevent him from being thrown into the workhouse, at an amount which the manufacturer could not afford to pay, without serious injury to himself? Would not the employment of legislative means, in forcing the manufacturer into still further production, rather tend, in every respect, to swell, than to diminish, the misery complained of? But there was a class, even of the agricultural population, which, under the existing law, would be very cruelly dealt with. He alluded to those who, in the prime of life, were, by some unfortunate accident, in a great degree, disabled from working. It sometimes unfortunately happened that the very best and most industrious of the agricultural labourers were, by accident, deprived of the use of a limb, and shorn of more than one-half of their powers of exertion; and it was not an unfrequent occurrence, that this visitation was attributable to the excessive zeal which they displayed in their employers' service. How were these unfortunate persons dealt with under the provisions of this Act? He would suppose the case of a man in the prime of life (thirty-five years of age), with a wife and a numerous family of small children, losing an arm or a leg. Notwithstanding this serious loss, he could still contribute not a little towards the maintenance of his family. He could not, however, do all that was necessary for their support, and much might remain to be effected by others, in the absence of which co-operation, a portion of his family would starve. Under the old system of poor-laws such a man would receive, perhaps, in some cases, an excessive allowance: but more frequently he would receive no more than the feelings of every humane man must prompt him to say should be extended by the public charity of the country. How was such a case as this provided for under the new system? This poor man, with his wife and children, must go to the workhouse. ["*No, no,*"] He was glad to hear that the poor and maimed individual, so circumstanced, was not compelled to go to the workhouse. He could assure the noble Lord, who seemed to contradict him (Lord Hatherton), that he should most fervently rejoice could he be made certain that the unfortunate individual would not be visited with the penalty of incarceration. It would, in truth, afford him considerable pleasure to find that he was wrong in his construction of this provision of the statute; but the plain and obvious interpretation of the words seemed to him to be that no relief should be extended out of doors to any person who could in part labour for his subsistence. If he were right in this construction, a man in the prime of life, deprived of the use of an arm, would be sent, together with his wife and a numerous family, to the workhouse, and be separated there from his wife and children, and denied the privilege of holding any intercourse with them whatever. If he were correct in his view of the case—and he heartily wished (though he very much doubted) that he would be found to be mistaken—he begged to ask of noble Lords whether there was among them one who, if he had foreseen such results, would have given his concurrence to the passing of this statute? Even the interruptions which he had experienced from the noble Baron, convinced him that if such results had been foreseen, the statute would never have passed that House. Speaking generally, however, he could not refrain from thinking that the law which empowered any man or number of men to separate the husband from the wife, and the parent from the child, was a law, which it was disgraceful to a Christian legislature to pass—a law which it would be still more disgraceful in such a legislature to fail of seizing the first opportunity to amend. Contradicted, as he had been most kindly, but at the same time most positively, there certainly had been generated in his mind some doubt as to the precise meaning of the clause to which he had referred; and if, in his interpretation, he should be discovered to have erred, no man could be found to rejoice more heartily than himself. One of the subjects complained of in the petitions which he had had the honour to present, was the diet supplied in the workhouses to the pauper residents. Upon this subject he would observe, that he fully concurred with the Commissioners in the opinion that it would be wrong to make the condition of the workhouse pauper better than that of the able-bodied labourer who supported himself. At the same time he must express his conviction that the principle, so far as regarded the arrangement of diet, was carried much further than was necessary. He held in his hand a letter which he had recently received from a gentleman of high respectability, in which he spoke with great regret, and also, as it appeared to him, with great justice, of the system pursued with reference to diet in the union in which he resided. He had referred to the dietary table as arranged by the Commissioners, and found therein a full confirmation of the statements which this letter contained. During two days of the week, it appeared that the diet of the men consisted per day of fourteen ounces of bread, and a pint and a half of gruel, manufactured on the principle of three pints of oatmeal being so mixed with water, as to dole out to between thirty and forty persons their daily allowance. To this were added two ounces of cheese and three quarters of a pound of potatoes. This statement was accurately copied from the Commissioners' dietetic table. He would frankly say, that this appeared to him to be a hard allowance, and he certainly thought that the Commissioners might have had sufficient confidence in the severity of the diet so prescribed to induce them to relax a little in their demands of restraint upon the unhappy persons subjected to such a discipline. There did not appear to be much in this regimen that would induce people to stay in the workhouse one moment longer than was absolutely necessary. The two ounces of cheese were the only thing like solid food, with the exception of dry bread, which during those days they were permitted to taste; and he certainly did not think that oatmeal, thinly infused, was the best thing to select as the prime article of diet for human beings. Another injurious consequence of the present workhouse system was the imprisonment of the inmates throughout the entire week, by which they were prevented from attending at divine service in their parish churches. The Commissioners had certainly given directions to have a chaplain appointed to each workhouse, and for this he felt bound to thank them. As a subsidiary measure, this would be both wise and humane in the highest degree. " But if," continued the right reverend Prelate, " it should produce the effect of excluding the poor inmates of the workhouse from participating at the parochial church in the common worship of the common Father of poor as well as rich, I, for one, must deeply deplore that such a measure should have ever been contemplated. I have ever considered the Sunday in this country as being in a pre-eminent degree—God grant it may long continue so—the poor man's holyday. What description of holyday is it to the poor man, shut up within the dreary precincts of the workhouse? When he hears the church bell, does he hear it as he was wont, when he was free to obey its summons, and join with his fellow-men of every class in that best of services which he can render to the Almighty? No; it sounds to him as the dreadful memento of his sad imprisonment. Obedient to its call, he proceeds to the room which, in the workhouse, is set apart for divine service. Is he there cheered and sustained in directing his aspirations to Heaven by any one of those enobling associations which surround him in his parish church? Does he feel elevated by that glowing sentiment of just and righteous pride, which every Christian, however lowly, ought to feel, that at the church, at least, he is on an equality with the highest and proudest in the land? Does he not, on the contrary, feel himself excluded from a participation in prayer with every class in the community above his own destitute condition; and the very place in which he worships—does it not convey, by association, a strong and sickening sense of his own most grievous and (permit me to add) most unrighteous oppression? The rich and the poor shall meet together, as we are told in the Word of Truth, and nowhere can they meet with so much advantage to both as in the house of their common God. It appears that in this country this is to be the case no longer, and it is the baneful workhouse system that we have to thank for the alteration. I am quite sure that I am now addressing men, every one of whom has frequently experienced the great, the inestimable, advantage of seeing around him, when engaged in prayer, those who in worldly estimation were greatly his inferiors, but who, in the possession of those virtues which give value to the human soul, he could not fail of believing to be in many instances, largely his superiors. My Lords, I am convinced that it has often occurred to every one of those whom I am now addressing, when looking down from their cushioned and canopied seats on the poor below, and there beholding the wretched but virtuous Lazarus kneeling to his God, mentally to ejaculate, 'There kneels a man who, however worthless he may appear in the eye of the world, however sordid in garb and mean in aspect, is as much an object of God's regard as I, and (it may be) will hereafter stand in a relation very different from mine before the judgment seat.' It is right that the means of periodically making these reflections should be afforded; and it is quite impossible that such an habitual contemplation should not be productive of the best effects. The equalisation which takes place in the parochial house of worship, by bringing the very lowest classes of the community in close proximity to the very highest in the common character of worshippers, must be beneficial to the latter by teaching them humility, andto the former by preventing despondency. To exclude any portion of the community, however humble, from a participation in the public service of the Creator would be as unjust as it would be injudicious, and I, therefore, do implore you to put an end to that most disgraceful and mischievous provision of the law which excludes the pauper from his parish church." The right rev. Prelate proceeded to observe that, although it became him to speak with hesitation as to what constituted the law of the land, he considered himself quite justified in observing that, as he read the law, the Poor-law Commissioner had no right whatever to say to the poor man—"You shall not go to your church on Sunday." By giving such a command they would, in his belief, violate the common law. He would not, however, be positive as to this, but he would mention the fact that there was a subsisting statute which made it penal on every subject of this realm not to go to church upon Sundays. It was true that the statute in question contained a provision excusing an individual from attendance who was capable of showing a reasonable cause for his absence. This provision might or it might not, protect these persons, if the statute were put in force. The statute was one which he certainly did not desire to see enforced in this country; it was one to which he had not been hitherto partial. He thought it now, however, of value as conferring a benefit on the oppressed poor; and as giving them the right of attending at divine service in their parish churches upon Sundays. The Poor-law Commissioners were invested with enormous powers. Those powers were, however, restricted by the limitation, that they were not to do any thing contrary to the law of the land. It therefore would seem to be incumbent on their Lordships to take such measures as would make the Commissioners forbear for the future from violating the law which regards the observance of the Sabbath. He had trespassed upon the patience of their Lordships' House for a longer period than he had originally intended to occupy their attention. He would therefore sit down, merely expressing his conviction that it would be necessary to modify this act by large amendments. Its repeal he did not desire; but he fervently hoped to see both Houses of Parliament unanimous and vigorous in their resistance to those portions of the law to which he had directed the attention of the House, and which he believed to be in principle unjust, as well as cruel and unchristian in their operation.

Viscount *Melbourne:* The right rev. Prelate who has presented these petitions to the House has gone at length into the amended Poor-law Bill—he has gone into the details of the management and the administration of the Poor-law; and, although I feel that such a discussion is inconvenient, and although this may not be the proper occasion for that discussion, and that the discussion itself cannot lead to any certain conclusion, yet, still, considering the expressions which the right rev. Prelate has used—considering also the reflections he has made on the Commissioners—considering the manner in which he has described the operations of the law—and considering the terms that he has applied to it, that it is "oppressive" and "unchristian"—considering, too, the situation which I have the honour to hold, I cannot, my Lords, permit the debate to conclude without making a few observations. I am not here answerable for the opinions of any other noble Lord. I cannot here give expression to the feelings or opinions of any other noble Lord; but for myself I beg to say, that I refuse my assent to the observations with which the right rev. Prelate introduced his speech, and in which he stated, that if your Lordships could have foreseen the situation to which the country would be reduced by the passing of this law, you would not have given it your concurrence—that your Lordships never would have aided such an enactment. My feeling respecting that law is the very contrary to that expressed by the right rev. Prelate. I consider that the measure has been successful far beyond what could be at first anticipated from it. I consider, my Lords, that it has had the effect of raising the morals of the country; and that it has been found most beneficial for the unemployed labourer. It has, my Lords, in my opinion, raised the condition of the labouring classes of the people. It has had another, a higher and nobler, object than that contemplated by the right reverend Prelate. It has, too, had a great effect in affording relief to the general taxation—it has lessened the payments made by the country. I say, then, that the success that has attended the measure is far beyond what was expected when it first passed into a law. Your Lordships will recollect that it has happened with this as upon many other subjects, that there were topics connected with it which afforded room for eloquence; that there were points which afforded room for an appeal to the feelings; that these topics and points afforded an opportunity for powerfully exciting the passions. The power and the opportunity the right rev. Prelate has taken advantage of on the present occasion, and he has used it with no very limited hand. Now, my Lords, it more often happens that such appeals to the feelings and the passions can be used against reason, truth, and right, than in support of them. The benefits derivable from a law are of a general nature — these benefits are of a general character, they do not furnish very apt topics for speaking to the feelings, they do not afford so many opportunities for illustration, they cannot bear a comparison with a specific case of peculiar hardships under which some one or two may be suffering in consequence of a general law. But let me observe, my Lords, that all the hardships we have now heard of were common to the old law; such hardships existed before the statute that is now complained of; they belong in no respect, nor are they to be attributed to the law which your Lordships passed in the late Session of Parliament. It is not for me, my Lords, now to do more than point out generally the objections which the right rev. Prelate has stated to some of the clauses of that Act. As to illegitimate children, he stated that he had made the same objections at the time that the law passed; and the right rev. Prelate now states on the subject, that his opinion respecting those clauses is not only unaltered, but that it is confirmed. The right rev. Prelate did not press that part, nor will I. Unfortunately, I differ from the right rev. Prelate, and, with respect to that part of the law, I have to tell him that it has been attended with a success so great and so extraordinary that it would have appeared to have been romantic — to have been mere enthusiasm—if any one had prophesied such a result when it was proposed. Then next, as to the separation of the sexes; that is another part which the right rev. Prelate has particularly attacked. All experience has proved its advantages; and, in all well-regulated workhouses, previous to the new Poor-law coming into operation such a regulation was enforced. It was established in the best-regulated workhouses in the metropolis; and it is obviously necessary for the right administration of a workhouse. And let it be observed that there must have existed a power similar to that vested in the Commissioners, under the ancient law; there must have existed a power under which the separation was formerly made; and all experience being for it, it was naturally to be supposed that a regulation of such absolute necessity should be continued for the well working of the new system. The right rev. Prelate has stated also, that there are parts of the country—for instance, the manufacturing parts of the country—in which the provisions of the Act cannot be so successfully applied as in the agricultural portions of the country. I apprehend that there can be no greater mistake than to suppose that the Act is not capable of being adapted to circumstances. I do not see, however, why the Commissioners should have been vested with the powers that they have if they were not to make regulations suited to the peculiar circumstances of particular parts of the country. And then as to out-door relief—I apprehend that all the statements made by the right rev. Prelate are entirely without foundation. The out-door relief is at the discretion of the guardians. A power is given to the Commissioners to state in what manner out-door relief is not to be given. I apprehend there are only sixty unions throughout the country thus situated. The right rev. Prelate also stated, that the paupers were prevented from attending divine service on the Sunday. I can only state what is my opinion upon this subject. As to the prohibition to attend divine service in the parish church, that only applied to those workhouses in which arrangements have been made for the performance of divine service within the walls of the workhouses. Where there is not divine service within the walls of the workhouse, a regulation is made for the inmates to attend at the parish church. I can only state what is my feeling as one of the framers of this Act, I only state at the same time what is the feeling of the Commissioners, that they are anxious for every opportunity to facilitate the attendance upon divine service, and to use every inducement and persuasion to the inmates of the workhouses to attend to the practices and holy ordinances of religion. But then the question is this, whether, if you permit the inmates of the workhouse to attend divine service in their parish church, would they attend it? Would it not be a pretext for indulging in other pursuits; and if they leave the workhouse to attend divine service, will they, instead of properly observing the Sabbath, not turn it rather to the purposes of desecration and pollution? This is a topic which undoubtedly admits of a great deal of declamation; but I have no doubt of this, that the true interests of religion will, as far as they relate to persons so situated, be rather promoted by the system recommended by the Commissioners. I believe it will be found so, not only as regards the better arrangement of the workhouse itself, but also to preserve order within the walls of the workhouse—that having divine service performed there will lead to these advantages even at the expense of what has been stated in such strong terms by the right rev. Prelate. The general importance of these considerations I do not deny; but even considerations of sanctity may often be overweighed by considerations of a greater weight; and seeing how men of practical experience have attached importance to the system of having divine service performed within the walls of the workhouse, as absolutely necessary to preserve order there, I believe that plan must be adhered to. I entirely concur in the sentiment expressed by the right rev. Prelate, that if your Lordships find this Bill to be one which it is right to maintain, if it be advantageous and beneficial in its effects, your Lordships will not be persuaded by clamour, nor influenced by any pressure from without, to alter it. I cannot, my Lords, but express the sorrow and regret I have felt—considering the complete absence of political feeling and party animosity that prevailed when this subject was debated in your Lordships' House—at the political, the party feelings which it has been endeavoured to excite on this subject in certain districts of the country. That it should have been so used at the hustings I exceedingly regret, because I think that the Bill has been attended with the greatest advantage to the country. When, then, I say to your Lordships that you ought not to be induced to alter or amend this Bill by reason of any clamour that may be excited against it, I agree with the right rev. Prelate in saying, that if you find it ought to be altered or amended, you will also do your duty in altering and amending it, with the same frankness, the same fearlessness, and the same impartiality which is required from you in the other point of view. As this Bill is now undergoing (and especially the clauses referred to) an accurate inquiry in another place, I cannot but feel certain that the result will be, that the Bill will be found to have operated advantageously to the country; and where it can be improved, means will be taken to insure that improvement.

The Duke of *Wellington* said, that having given his support to the New Poor-law Bill duing its progress through that House—a support which he yielded to the measure in consequence of his having witnessed the evils, and being apprehensive of the probable consequences of the former system, he conceived it to be his duty to come forward on this occasion to state, that this measure had surpassed any expectations which he had formed of the benefits likely to result from its operation. The Bill might, in certain parts, require amendment; and it appeared that his Majesty's Government had taken measures to ascertain in what particulars it would be proper to introduce such amendment. For his part, he should be quite ready to take those points into consideration so soon as any new measure on the subject should be brought before their Lordships', under the auspices of his Majesty's Government. He must say, however, that he approved of the measure, so far as its provisions had been hitherto carried into effect; and, as he had had the opportunity of witnessing its operation (he spoke now, not only of what he had seen generally, but of the working of the measure in its details, as they had fallen under his observation in the management of workhouses throughout various parts of the country), he must say that the benefits which it appeared to him to have produced consisted, first, in the fact that it placed the workman, the agricultural labourer, and their employers on a true footing of friendly confidence; and, secondly, that it had served to connect the man of property, the man whose rank was the highest in the country, with the lowest class of labourers, by placing them on the board of guardians. He could mention the names of some noble Lords who were an ornament to that House, and who attended at the weekly meetings of those boards, being themselves elected guardians of parishes in the neighbourhoods in which they resided. The results which were thus produced were exceedingly beneficial. His noble Friend near him, the Marquess of Salisbury, was at present a member of a board of guardians in a parish in which the system had been productive of the greatest possible advantages. Convinced, therefore, as he was, that the Act which had produced those benefits was likely to produce benefits still greater, he should be ashamed not to step forward and avow that he had supported this Bill when it was brought forward, that he did not repent of the course which he had taken on that occasion; but that on the contrary, he rejoiced at having taken that course, and congratulated his Majesty's Ministers upon the success of the measure.

Lord *Brougham* observed, that honourable testimony had just been given to the merits of the Bill that had been attacked by the right rev. Prelate. The testimony that had been given was indeed honourable, when they considered what had fallen from the noble Duke opposite; it was not less honourable to the measure itself than it was creditable to the noble Duke himself. He should not detain their Lordships beyond a single moment—he should not make more than a single remark upon the statements delivered by the right rev. Prelate. He (Lord Brougham) admitted that he was not amongst the least sanguine when this measure had been brought forward as to the consequences to be expected from it, and he therefore, having entertained such an opinion regarding it, must naturally now feel pleasure in concurring in the sentiments expressed regarding it by the noble Duke and his noble Friend near him. Sanguine, however, and large as his expectations had been concerning the Bill, they had been surpassed by its results. They had been surpassed, not merely as to the economy produced by the measure—not merely in the savings of the poors'-rates—not merely in the reduction of the amount of the poors'-rates—a consideration, which however important in itself, yet was one that, in his opinion was the very last to be regarded; but the measure had surpassed his expectations in the desirable change it had produced in the comforts, condition, and character of the working classes of the community. As the right rev. Prelate had made a statement upon this subject, he (Lord Brougham) had a word or two to add to it. The right rev. Prelate had undoubtedly a right to express his opinion. On this or any other Act of Parliament no man could object to the vehemence of the language in which the right rev. Prelate might choose to clothe his opinions; but that which he had no right to do, or if he at all assumed the right, then that against which he (Lord Brougham) warned their Lordships, was the danger of supposing that, however the right rev. Prelate might have qualified his opinions, that however partially he disguised them—he did not say this offensively—but without intending to be offensive to the right rev. Prelate, he must observe, that in the distinction he made, and in qualifying his disagreement from the whole of the Bill, he sought to give them to understand that he did not wish the measure to be repealed, but was only hostile to portions of it. Now, notwithstanding all this, he must say, that the right rev. Prelate had assumed that which he had no right to assume, and he was to be treated as an enemy to the measure—to all parts of the measure—to the principle of the Bill—to all the details of the Bill — and to the working and effects of the Bill. Perhaps the right rev. Prelate was more an enemy of the Bill than he was himself aware of. He had watched carefully the whole of the statement made by the right rev. Prelate, and he must say, that he had not heard any person in Parliament or out of Parliament who had made a more hostile attack upon this measure. The right rev. Prelate was against the power of the Commissioners, and he was against the mode in which the power was exercised. As to the bastardy clauses, the right rev. Prelate retained his opinions respecting them. The right rev. Prelate said he had often disputed in that House upon this subject, and he was sorry to see the exaggeration in the expression of the sentiments of the right rev. Prelate was increased and strengthened. The right rev. Prelate was against the bastardy clauses; and then he was against the workhouse system, and every thing that had been done to carry into execution that part of the plan. And then the right rev. Prelate, by the way of leaving no doubt upon their minds as to his hostility to the new Poor-law Act, declared that it was "unjust," that it was "cruel" that it was "contrary to all principle," that it was "oppressive, uncharitable, and unchristian." He felt—as one of the promoters of this measure whose sanguine expectations had been more than realised—he felt rejoiced on this account; but he also felt great pleasure, under the grievous denunciation pronounced by the right rev. Prelate, from the reflection that persons holding the same rank and station with the right rev. Prelate no longer appeared there to sustain his sentiments. There were amongst them those who, having heard the language applied to the measure by the right rev. Prelate, quitted the House; and, having taken no part in the discussion, it was to be supposed differed from the right rev. Prelate. Those right rev. Prelates had full and sufficient notice of the motion that was to be before the House; and they no doubt, had heard the terms—the vehement, he would not say the exasperating terms—applied to the measure — but he might say, without offence, the very strong terms in which that measure was described. When he considered these things, he thought he might comfort himself with the hope that other right rev. Prelates did not entertain the same opinions which one of their body had addressed to them that night; because he was perfectly confident that if they entertained such opinions, they would not have left their places without joining in that which they would believe to be a just denunciation.

Lord *Wynford* acknowledged that he had opposed the measure, but he had frequently since seen reason to retract the opinions which he had entertained relative to the appointment of guardians. He confessed that he now considered it a great improvement, as compared with the administration of the law by parish officers, and he likewise admitted, that those to whom the management of the poor was now given could not always stand out against a majority unless supported by the authority of the Commissioners, possessing the weight which that authority did, as well from the position of the Commissioners, as from the circumstance of their being free from any local connexions or influence. On the whole, he did not deny that the measure had produced a great improvement, and by means of it many had been compelled to look out for work, which happily, they had succeeded in obtaining. At the same time he must be allowed to say, that two or three years ago that would not have been so easily effected, for the numbers at present employed on railroads and other public undertakings, gave considerable employment to the people, and therefore materially diminished the rates. He should, then, think himself warranted in saying, that some portion at least of the improvement which had been attributed to the Poor-law Amendment Act was really owing to the railroads. Of course their Lordships would recollect, that he had all along objected to the bastardy clause, and that with respect to that he still entertained the same opinion as his right rev. Friend; but as to the separation of husband and wife, he looked at it as unavoidable; they clearly could not provide an apartment for the use of each married pair; of necessity a great many persons must sleep in one room, and decency required that several men and their wives should not sleep in the same apartment; it was, however, perfectly unjust that female children should be separated from their mothers. He had only to add, that the opinions he formed during the discussion of the measure had since been materially corrected.

Lord *Colchester* supported the measure generally; but having witnessed its practical operation to a great extent he knew that there were some cases in which great hardship had been inflicted. There was a case with which he had been acquainted, of a man with a wife and six children, who was paid a certain amount of wages, but not sufficient to support himself and his family. Upon application to the guardians, they would only in such cases relieve them by throwing the whole family into the workhouse. There were many cases of that kind, and he would, therefore, express a hope that his Majesty's Ministers would take the matter into their serious consideration and authorise the Commissioners in such cases to admit a part of the children into the workhouse.

The Earl of *Radnor* was of opinion that it would be found, practically, that very little cruelty would be inflicted by any of the orders which the Commissioners had issued. In some places he knew that where orders for admission into the workhouse had been given to a large extent only a few of them had been used; and it had consequently been found much more advantageous to raise the wages sufficiently to keep the applicants out of the workhouse. In point of fact he did believe that generally, where representations had been made of great cruelty and injustice, the result of inquiry had been that no cruelty whatever was inflicted; and in that part of the country where he resided he could bear testimony to the well-working of the Bill. He had, indeed, been astonished at the little difficulty with which its operation had been attended; but it was approved of and liked by all honest and industrious labourers, and disliked only by idle vagabonds; and to that fact he attributed, in a great respect, the facility to which he had alluded. In looking over the petitions that had been presented by the right rev. Prelate, he did not observe in any one of them complaints of any specific grievances; they were speculative petitions against grievances which must arise; but they contained no complaints of any grievances which were felt to exist.

Lord *Hatherton* would not have troubled the House with any observations on the present occasion if he had not desired to explain the cause of his interruption of the right rev. Prelate in the course of his speech. He understood the right rev. Prelate to say that a man who had lost a limb, having applied for relief, it was insisted that he should go into the workhouse with his wife and family. Conceiving that the right rev. Prelate was stating a case which he believed had occurred, he could not help signifying the doubts he felt on the subject; he afterwards, however, discovered that the right rev. Prelate was putting only an imaginary case, and that such a circumstance as he had referred to, speculatively, had really never happened. Indeed, it would be extraordinary to him if a case of the nature supposed by the right rev. Prelate had occurred; because if the man wanted a limb, he would come under the description of those who were not able-bodied, and relief out of tke workhouse was denied to the able-bodied only. As chairman of a board of guardians in a mining district in the north, where accidents were happening not unfrequently, he was qualified to speak as to the practice in this respect, and he begged to say that relief out of the workhouse was not refused to persons who were not able-bodied.

The Bishop of *Exeter* would not have troubled their Lordships again but from some misapprehension which existed as to an observation that had fallen from him. He had not stated that a man who had lost an arm or a leg, upon application to the board of guardians, would be immediately sent to the workhouse; but what he did say was this—that the best labourer in a parish, if he should happen to meet with either of those serious misfortunes, although he might still be able to earn 5*s.* a week, would be bound by the statute to go to the workhouse; for the words of the statute did not merely include able-bodied men, but all those who could in any manner maintain themselves. He had undoubtedly spoken in a strong way of some parts of this Bill, which he considered deserving of the severest censure; but he had not spoken in the same manner of all parts, nor had he applied to the Bill as a whole the terms of censure to which, in his opinion, some parts were liable; an opinion in which he was borne out by the practical experience of the noble Lord opposite.

Lord *Brougham* replied, that the right rev. Prelate had omitted to state any portion of the measure to which he did not object; it was fair, therefore, to infer that he was opposed to the whole of it, there being no exception whatever to his censure. On another occasion a cry had been raised of "The Bill, the whole Bill, and nothing but the Bill." Of the right rev. Prelate he should now say, that his speech was equivalent to raising a cry of "No Bill, nothing of the Bill, and anything but the Bill."

Petitions laid upon the table.

HOUSE OF COMMONS,

Friday, April 7, 1837.

MINUTES.] Petitions presented. By Mr. BOLLING, Lord FRANCIS EGERTON, Mr. FRESHFIELD, and Sir JAMES GRAHAM, from Bridgwater and Bolton-le-Moors, for Inquiry into the mode of providing Medical Attendance for the Poor by the Board of Guardians; from the Board of Guardians of West-Ward Union, Westmoreland, for the Repeal of the Bastardy Clauses of the New Poor-law Act; from the Guardians of the Bridport Union, in Support; and from Heales, for the Repeal of Poor-law Act.—By Mr. P. HOWARD and other Hon. MEMBERS, from Newhaven, Falmouth, and other places, complaining of the advantages enjoyed by the Proprietors of the Post-office Shipping Gazette over the Proprietors of similar Lists, who are burthened with Postage.—By Sir CHARLES BROOKE VERE, from Sternfield, that a Bill for the Better Observance of the Sabbath may go into Committee of the whole House.—By Mr. BROTHERTON, from Colne, for the Amendment of the Factories' Act.—By General O'NIEL, from Billy and other places, for the Commissioners of Education (Ireland), not to be allowed to refuse aid to School, because Scriptural Instruction be not according to the fundamental regulations.—By Lord FRANCIS EGERTON, from Middleton, for Repeal of Duty on Cotton; and from Essex, York, Cambridge, and Lancaster, for Revision of Laws relating to Innkeepers.—By G. F. YOUNG, from South Shields, for Repeal of Duty on Marine Insurances.—By Mr. WALLACE, from Glasgow, complaining of the Exportation of Foreign made Biscuit and Flour in Bond as Merchandise, but in reality as for the consumption of Ships' Crews.—By Lord FRANCIS EGERTON, General LYGON, and several other Hon. MEMBERS, from various places, against the Abolition of Church-rates.—By Mr. DIVETT and other Hon. MEMBERS, from various places, for the Abolition of Church-rates.

EXPLANATION.] Mr. *Labouchere* moved the Order of the Day for the House going into Committee on the Post-office Acts Repeal Bill. His object was to postpone the Committee for a week.

Mr. *Freshfield* said, he would take that opportunity of asking the hon. Member for Truro whether, when he stated last night that the resolution of 26th February, 1830, regarding Parliamentary agents had been got rid of by an evasion, he had alluded to his (Mr. Freshfield's) conduct?

Mr. *Tooke* had no hesitation in answering the question of the hon. Gentleman as, he was convinced that he (Mr. Freshfield) had acted most honourably, and upon the fair and honest conviction of his own mind. He (Mr. Tooke) had not, in the most distant manner, alluded to the hon. Member; but he had stated that persons less disinterested than the hon. Gentleman might evade the spirit of the resolution in the manner he had mentioned.

In answer to a question put by Sir Eardley Wilmot,

Mr. *Labouchere* replied, that his object in introducing the Post-office Bill, now on the table of the House, was to consolidate the laws relating to the Post-office department at present in force, and to remove some existing anomalies. This being the sole object of his Bill, he should listen to any suggestion for the introduction of new matter with extreme caution.

The Order of the Day for the Committee on the Post-office Acts Repeal Bill read, and postponed.

CASE OF MR LOVESEY.] Lord *Granville Somerset* said, that he was extremely sorry to interpose, even to the shortest extent, and prevent the important discussion which stood for this evening, but he trusted that, as an hon. and gallant Member had last night, without any previous intimation, made a very serious, circumstantial, and he might also say acrimonious, accusation against persons, in whose honour he took the deepest interest, the House would not think he was interfering improperly, if he solicited its attention for a very short period. It was not very unnatural for the House before it proceeded with a discussion upon the code of laws under which the army of this country was governed, to wish to clear away any imputations or accusations which might affect those parties to whom the execution of those laws was to be intrusted. Again, if the accusation made last night by the hon. and gallant Member for Gloucester was correct, it could not pass unnoticed by the House, because that accusation was of such a character as not to justify (if well founded) the continuance in office of the Commander-in-chief or of his confidential secretary, against which the accusation was directed. He laboured under the misfortune of not having been present in the House when the hon. and gallant Member brought forward these charges, but he had had recourse to the best sources of information he could find, and had compared the different accounts which had been published of what had occurred in the House last night, and he believed he might be warranted in presuming that the statement attributed to the hon. and gallant, Member in the newspaper supporting the same politics as himself, might be safely relied on as being correct. Now if this statement contained anything which the hon. and gallant Member wished to retract or explain, he would be glad if he would do so, as he read it, and then allow him to state the facts of which he was in possession. The hon. and gallant Member was supposed to have said, "that he could furnish the hon. Member for Middlesex, and the House, with one instance, that would sufficiently show that there prevailed at the Horse-Guards very strong political opinions, and that those opinions leaned strongly towards that side which was entirely opposed to his Majesty's Government. As the instance to which he alluded occurred during the Administration of Earl Grey, and as it was mentioned to that nobleman when he was at the head of the Government, he (Captain Berkeley) trusted the House would extend their patience to him, while he briefly narrated the facts of the case. A gentleman in Gloucestershire, having amassed considerable property, died, leaving the whole of that property to his son. This son, wishing to get into a different station of life, wanted to travel abroad, and for that purpose he was desirous of wearing the British uniform. He accordingly applied to the heads of the Whig party in Glocestershire, but who could not obtain for him the purchase of a commission in any regiment whatsoever. Every excuse that could possibly be made was resorted to, which put it quite out of the question that that gentleman should obtain a commission by such means. Finding it impossible to get a commission from the heads of the Whig party, he went to the family of the Duke of Beaufort, Lord Fitzroy Somerset being Secretary at the Horse-Guards. Upon making that application, he fairly and distinctly said, "My family have always hitherto been Whigs, and not on the same side of politics that you are; but if a commission can be got for me from the Horse-Guards through the influence of the Beaufort family, we shall in future be on the Tory side." The application, he believed (but he should be sorry to state it as a fact without knowing it to be such), was made through Lord Edward Somerset, and in the space of a short time, permission came down from the Horse-Guards to Glocestershire, for the gentleman on whose behalf the application had been made to purchase a commission. A commission was purchased accordingly, and that gentleman, and all whom he could command, had been Tories ever since." Now that was the statement with regard to which he believed it was incorrect only in the name being stated to be Loveday, whereas it ought to be Lovesey. He should for the present sit down until the hon. and gallant Member should have an opportunity of making any explanation he might think proper.

Captain *Berkeley* said, that the report which the noble Lord had just read to the House was nearly correct in every particular, except as it regarded Mr. Lovesey's father, whom he had stated to be dead; such was not the fact, though he did not consider it at all bore upon the question. With regard to another fact, it might be very well supposed, that in a plain statement, such as he made last night, the least variation or alteration in words, would give a totally different sense to what was intended. He said, that with regard to that part of the Report which made it appear that Mr. Lovesey stated to the Beaufort family, that he would turn Tory if they got him a commission—that communication was not made to the Beaufort family, but was made to Lord Segrave, and in that, and that only, was there any incorrect statement in the *Morning Chronicle.* He was ready to repeat every word he said last night; he was ready to prove the whole was true.

Lord *Granville Somerset* was glad that the hon. and gallant Member had corrected one part of his statement. Well, he was extremely glad the hon. and gallant Member had corrected one part of the report. But it was somewhat curious to observe, that in all the papers the fact was stated much in the same way. But he was prepared now to state to the House the whole circumstances of the case to which the hon. and gallant Member had referred, in so far as Lord Fitzroy Somerset was concerned. If he understood the gist of the accusation, it was this,—that an application for a commission for Mr. Lovesey had been made by the head of the Whig party in the county of Glocester, meaning thereby Lord Segrave, and that he was unable to obtain it; but that immediately on an application being made through Lord Edward Somerset, the commission was immediately obtained. It had also been stated by the hon. and gallant Member, that the gentleman for whom the commission was desired, was anxious to obtain it, for the purpose of going abroad in a smart coat. On the statement of the hon. and gallant Member, he (Lord G. Somerset) would make no comment; but he would content himself with stating the circumstances of the case so far as Lord Fitzroy Somerset was concerned. It was impossible for him to have access since last night to Lord E. Somerset, as he was in the country; however, that could not vary the circumstances which he was about to state. The simple case was this. In the month of June, 1830, Lord F. Somerset received the letter he was about to read from Sir H. Campbell:

"Richmond Park, June 1, 1830.

"My Lord,—I have been requested to put the enclosed into your hands; I beg leave to add my request, that Lord Hill will have the goodness to put the young gentleman's name on his list of candidates for the purchase of an ensigncy. I am not personally acquainted with the parties, but I am informed by a relation, that the father is a very respectable man, and that he has ample means to make his son a sufficient allowance, if he ever has the good fortune to succeed in his object.

"I have, &c.,

"Henry Campbell, Lieutenant-General.

"To Major-General, Lord Fitzroy Somerset."

This letter was from Lieutenant-General Sir H. Campbell, whose politics he did not know, neither was he aware that that gallant officer had ever taken part in the politics of the county of Gloucester. It was accompanied by the enclosure of a letter from the young gentleman's father, who was last night stated to have been dead at that period. The letter enclosed was as follows:—

"Charlton, near Cheltenham, May 30, 1830.

"My Lord,—I beg most respectfully to request you will lay before his Lordship the Commander-in-chief of his majesty's forces my earnest solicitation to obtain, by purchase, a commission in the army for my son, John Whitehorne Lovesey, who has now attained his seventeenth year, and to which honourable profession he is most fully qualified from his habits and manners, as well as from the education he has perfected under the Rev. Thomas Rowley, of Bridgenorth, and the Rev. D. Davies, of Cranbrook, Kent, to whom, with the greatest satisfaction, I beg to refer for his character and general good conduct.

"With the greatest respect, &c.,

"Conway W. Lovesey.

"To Lord Fitzroy Somerset, Military Secretary."

It was somewhat strange that this letter from the father of the young gentleman was silent as to the desire to go abroad in a smart coat, and how the hon. and gallant Member for Gloucester obtained knowledge of such a fact, was beyond his comprehension. Now, what was the answer which Lord Fitzroy Somerset gave to this application. He would read it.

"Horse Guards, June 4, 1830.

"Sir,—I have laid before Lord Hill your letter of the 1st instant, and I have the pleasure to acquaint you that I have received his directions to add the name of Mr. John W. Lovesey to the list of candidates for the purchase of commissions, and to assure you that his Lordship will be glad to have the means of introducing that gentleman into the service. Lord Hill has, however, so many to provide for, that he cannot venture to hold out to Mr.

Lovesey the expectation of an early appointment.

"I have, &c.,

"FITZROY SOMERSET.

"Lieutenant-General Sir H. Campbell, K.C.B."

The House would not fail to observe, that all this occurred when the Duke of Wellington and his Tories were in office. The next application for the commission was made by Captain Marshall, who, he believed, was the master of the ceremonies at Cheltenham, and was couched in these terms:—

"Cheltenham, April 4, 1831.

"My Lord,—With reference to your Lordship's letter of the 4th June, 1830, to General Sir Henry Campbell, in reply to the application, he was so good as to make to the Commander-in-chief for a commission, by purchase, for my relative, Mr. John W. Lovesey, and the interview I was honoured with by your Lordship in December last on the subject, I trust I may be excused, from the natural anxiety and interest I have for my relative, thus to trouble you to repeat my respectful but earnest hope that you may be pleased to bring the same again before his Lordship, the Commander-in-chief, and to assure you of the grateful obligation I shall ever be under to your Lordship by your kindness in furthering our views.

"I have, &c.,

"F. H. MARSHALL,

"Late 81st Regiment.

"Major-General Lord F. Somerset."

To this second application, Lord Fitzroy Somerset returned the following reply:—

"Horse Guards, April 7, 1831.

"Sir,—I beg to acknowledge the receipt of your letter of the 4th inst.

"I shall be very happy to draw Lord Hill's attention to your wishes in behalf of Mr. Lovesey when I see a favourable opportunity; but that gentleman is still so low on the list that I am afraid it would be useless to urge his Lordship on the subject at this moment.

"I have, &c.

"FITZROY SOMERSET.

"Captain Marshall."

So that it appeared from all the investigation that had been made, that the first application to the Horse-Guards was made, not from the head of the Whig party in the county of Glocester, but that the first person who solicited it was Sir H. Campbell, who, as far as he knew, was unconnected with that county; and the second was made by Captain Marshall, whose politics he knew to be those which he espoused. It appeared also that the next application was from Lord Edward Somerset, and the last from Colonel Berkeley, now Lord Segrave. He thought, therefore, that he had shown that the first application did not come from Lord Segrave. Next, that the first was made whilst persons of Tory politics were in power. Thirdly, that, from the first, intimation was given that the commission could not be given immediately; and lastly, that when given, it was not so with reference to the application of Lord Edward Somerset, but that it was more likely to have been obtained with reference to that of Lord Segrave. But what was the feeling which Captain Marshall himself entertained as to the party on whose application the commission was obtained? Here was the answer Captain Marshall gave to the communication that the commission would be granted to his relative Mr. Lovesey. He writes as follows:—

"Cheltenham, April 5, 1832.

"My Lord,—I have the honour to acknowledge the receipt of your Lordship's letter of the 31st ult., acquainting me of the success of my application for Mr. John Whitehorn Lovesey's commission of ensign in the 95th foot, and with a renewal of my best thanks for your Lordship's great kindness, I beg to acquaint you that the sum of 450*l.* shall be remitted to Messrs. Greenwood, Cox, and Co., as desired, by the post, hence, on Monday next, and with great respect,

"I have, &c.,

"F. H. MARSHALL.

"Lord Fitzroy Somerset."

Now, where was the pretence for saying that Lord Segrave had failed in his application for the commission, when his name appeared in the books last in the solicitation. The hon. and gallant Member for Glocester, meant from the statement, that the young gentleman wished to go abroad in a scarlet coat, to induce the notion that the Commander-in-chief had given commissions without inquiring the fitness of those on whom they were conferred. [Captain *Berkeley*: "No, no."] Then where was the use of narrating the story? But what had really happened? Why that when this young gentleman got his commission, it was dated the 20th April, 1832; the first application having been made in April, 1830. He joined his regiment on the 20th May, 1832, which was as soon as possible, and, instead of going abroad, he remained at home with the regiment until he sold out in 1835. In thus proving a negative, he did not think he could possibly make the statement of facts more clear. He had shown that the first application was not made by the head of the Whig party at Gloucester, for he had proved that Lord Segrave's was the last application, while that of Sir H. Campbell and the young gentleman's father was the first. He had proved, as far as a negative could be proved, that the whole transaction was perfectly regular, and that it had not been influenced by party or political considerations. He could assert, on behalf of Lord Fitzroy Somerset, that he was uninfluenced by politics in the discharge of the duties of his office—that he placed the names of individuals, candidates for commissions, before Lord Hill, in their regular turns, and that apart from all political considerations; such was his practice in all cases. He stood here to assert, and he hoped he had done so successfully, that Lord Fitzroy Somerset had not, in this case, misconducted himself in the way which the hon. and gallant Member last night, and without notice, stated, and stated in a manner highly injurious to that noble Lord's character.

Captain *Berkeley* said, that in the first place, he did not think the noble Lord who had just sat down had any right to complain of his (Captain Berkeley's) want of courtesy in not having given him notice that he was about to mention to the House the name of the noble Lord's relative, and to bring his conduct before the House. When he came down last night, he found the House engaged in the discussion of the question, whether or not political bias prevailed at the Horse-Guards in favour of one party or the other, and if the Horse-Guards' authorities did not interfere improperly. The facts he had then stated, he still maintained were true in every word. He still maintained that Lord Segrave did on many and several occasions apply for this commission; that the answer was always the same, viz., that it was impossible to promise it, and that every delay was thrown in the way of his application. He should like to ask the noble Lord opposite who had read these letters to the House, whether he had taken the trouble to inquire for any letters written by Lord Segrave on this subject, and how often and in how many places that noble Lord applied for this very commission. The noble Lord opposite stated that he regretted that he had not had an opportunity of communicating with his noble relative in the country. So also did he (Captain Berkeley) regret that he had not had time to communicate with Lord Segrave, for then he might have come down prepared with paper against paper, and would have been able to have stated how often Lord Segrave renewed his applications. He had not thrown any stigma upon any of the relatives of the noble Lord; the noble Lord's brother was at the head of one great party in the county of Gloucester, and his (Captain Berkeley's) brother was at the head of another; and though Lord F. Somerset was at the Horse Guards, he (Captain Berkeley) did not blame Lord F. Somerset or the Duke of Beaufort for doing all they could to keep their party together; it was exactly what he should do if he were in their places, and had a brother Military Secretary at the Horse-Guards. It was natural to suppose that in such a case his brother would pay greater attention to his (Captain Berkeley's) application than he would to those of political opponents. It was, however, to be regretted that such a state of things should exist. It was notorious—it was the common talk of the whole county of Gloucester, that it was wholly useless for one of the Whig party to apply at the Horse-Guards, while that individual, the brother of the noble Lord, remained there. He would not state anything in that House which he did not firmly, honestly, and conscientiously believe; and he repeated that he firmly, honestly, and conscientiously believed that Mr. Lovesey received his commission because it was applied for by the Beaufort family, and he was equally certain that he would not have got it on the application of Lord Segrave. He did not think it necessary further to occupy the attention of the House. He would, however, ask the noble Lord opposite, whether among the papers he had produced, he had found any letters written either by Lord Segrave or by Lord Edward Somerset. He understood the noble Lord to intimate that he had neither. That was extraordinary. There remained one point more only to which he would advert, —namely, that there was a gentleman in the House who could better inform them what took place when the commission came down—he could tell them of the rejoicings which took place, and that the residence of Mr. Lovesey was then opened to persons of a very different political character than had ever assembled there before. He repeated that he stated only what he believed to be facts. By those facts he stood; and he trusted by return of post he should be able to throw a little more light upon the subject.

Mr. *Craven Berkeley* complained, that when the noble Lord opposite came down armed with these letters, he had not produced any of Lord Segrave's, nor the successful one of Lord Edward Somerset's. The noble Lord might try to convince hon. Members who were unacquainted with the county of Gloucester, that such was not the case, but it was notorious in that county, that when one of the Tory party applied at the Horse-Guards for a commission, it was obtained directly; but when one of the Whig party applied it was not to be obtained.

Lord *Granville Somerset* said, that the tone of the hon. Members for Gloucester and Cheltenham showed very clearly the *animus* which pervaded among one party in the county of Gloucester. The answer to the question put to him was a very plain one, namely, that every exertion and search had been made for any letters that might have been addressed to the Horse Guards either by Lord Segrave, or by Lord Edward Somerset; but none were to be found; and Lord Fitzroy Somerset's recollection was, that when the noble brother of the hon. Members opposite approached him, it was in a very different tone and manner than had been displayed by those two hon. Members. All their communications had been carried on with great good humour. It was a great misfortune that no letter from the noble Lord could be found, as he was satisfied it would show that the statement of the hon. Member for Gloucester was not borne out by the facts. He repeated, that from the books it would appear that the application of Lord Segrave was made last, and not first.

Mr. *Hope* said, it was much to be regretted that statements were too frequently made in this House, reflecting on individuals without their accuracy having been first ascertained. He rose to complain of some remarks attributed to the hon. Member for Ipswich, as having been made last night, as appeared in *The Times* newspaper. He would read them as reported. "Mr. Wason reminded the House of the conduct pursued by the Duke of Wellington when he brought forward the Catholic Emancipation Bill. Lord Beresford, then the Master General of the Ordnance, intimated to the Duke his unwillingness to vote for that measure, and the Duke of Wellington replied, that Lord Beresford might do as he pleased, but that the Master General of the Ordnance must vote for the Bill." He did not know whether these were the remarks made by the hon. Member.

Mr. *Wason:* Those are the very words I used, or intended to use.

Mr. *Hope* said, that the report quoted by the hon. Member cast a severe reflection on the noble Duke, who was charged with using such a threat, and upon the noble Lord to whom the threat was supposed to have been uttered. The only remark he could make upon it was, that the report quoted last night by the hon. Member for Ipswich was, from beginning to end, utterly without foundation in fact, and nothing ever passed between the two noble individuals in question that could give any colour or pretence for such a report.

Mr. *Wason* said, that hon. Members who were in the House at the time would do him the justice to say that the statement alluded to was precisely in point with respect to the question then under discussion. If the hon. Member who had just sat down had never heard the report before, he believed he was the only hon. Member in that House who stood in that situation. If the report was incorrect, he felt, as every Gentleman must feel, sorry for having given currency to it.

Subject dropped.

MILITARY PUNISHMENTS.] The Order of the Day for the House to resolve itself into a Committee on the Mutiny Bill having been read,

Major *Fancourt* said, that in rising to move the appointment of a Committee to examine and report on the question of military punishments, he might be permitted to state the precise grounds on which he had been led to submit the question of flogging in the army to the consideration of the House in this particular form. It seemed to him, that after having yearly, and, he was sorry to add, unsuccessfully, divided the House on the immediate and entire abolition of corporal punishments in the British army, that it would be in some sort trifling with the House were he to trouble hon. Members for a mere repetition of their votes, without bringing forward further evidence in support of his own views. The appointment of a military commission by his Majesty, under the advice of the right hon. Gentleman then filling the office of Prime Minister, inspired him with a hope that what the Commissioners themselves called a minute and searching inquiry into the means at present used to maintain the discipline of the army, with a view to the abolition of corporal punishments, would have been entered into. But a commission of inquiry as to the expediency of abolishing corporal punishments could not satisfy the public mind, composed as this commission was, of persons avowedly hostile, or, to say the least, none of them favourable, to such abolition. Thinking as he did, that the conclusions at which the Commissioners had arrived were very questionable, it appeared to him that the clearest and most satisfactory course to be pursued for combatting such conclusions, would be the appointment of a Select Committee by the House of Commons comprising those favourable as well as those adverse to corporal punishments. The report of such a Committee, whether favourable to the public wishes or not, would, at all events be thus far satisfactory to the public mind, that it would have resulted from a full and fair inquiry into the whole question by hon. Members on both sides of the House, or he should perhaps say of both sides of the question. They were told that this punishment might be dispensed with in time of peace, but that the power of inflicting it was at all times adviseable, and in time of war indispensable. He was, therefore, desirous that a Committee of the House should take advantage of the time of peace now enjoyed for the purpose of establishing a system of military discipline less repugnant to the popular sympathies than that now in force. The principle of inquiry into the expediency of this mode of punishment he found conceded in a passage in the Report of the Commissioners :—" Nothing can be more certain than that in this country, and with the ample means afforded to every man in it for the free discussion of any subject in Parliament, in courts of laws, in public meetings, and through the press, no practice can be long maintained which is really contrary to the well-considered judgment and settled feelings of the country." It was because he was of opinion that the judgment and feeling of the country were opposed to military flogging that he strove for its abolition. And when referring to the Report of the Commissioners he wished to avail himself of their admission that any partial abolition of the punishment must prove nugatory—in short, that for any good purpose the abolition must, in the terms of the motion which he had on former occasions submitted to the House, be a total and final abolition of flogging in the army:—"There is, however, one suggestion which has been made by those who have a strong feeling against the use of corporal punishment, to which we must advert—namely, that the power of inflicting it should be confined to the army upon actual service, and entirely taken away as respects the regiments quartered in these islands and the colonies. We cannot recommend the adoption of this suggestion. If this power be taken away at all, the rule must be universal, and applied to all circumstances equally. The soldier must not be told, that that power cannot be permitted to exist while he remains in a situation where he is called upon for comparatively easy duty without risk, but that from the moment he is required hourly and daily to undergo the severest hardships and privations, and to risk his life in the service, he is to be subject to that punishment, which has been declared to be degrading, and calculated to impair and to destroy those moral feelings, upon which the country has to depend for the energy and exertions which are the foundations of its military glory, and the success of its arms. To place him in such a position would be both inconsistent and unjust, and cannot be defended." The question was thus by the Commissioners themselves narrowed to the single point of the decided maintenance or the entire abolition of the punishment. The Commissioners had decided in favour of maintaining the punishment. He respectfully asked the House for an opportunity of proving before a Select Committee that it might be with safety entirely abolished; and he hoped to be able to show that the moral inefficacy of torture by the lash was as indisputable as its physical barbarity. On this point he would, with permission of the House, cite the testimony of the eminent army surgeon, Mr. Guthrie, who served during the Peninsular war, and filled the very important and responsible situation of inspector of hospitals. The work which he held in his hand was entitled *The London Medical*

Gazette and contained an account of some clinical lectures delivered by Mr. Guthrie, in the course of which he gave some anecdotes of the Peninsular war:—"Colonel Lake, when he formed his regiment in the evening for the punishment of the two culprits, knew full well that every man was satisfied they deserved it, but he did not say that. He spoke to the hearts of his soldiers; he told them he flogged these men not alone because they deserved it, but that he might deprive them of the honour of going into action with their comrades in the morning, and that he might not prevent the guard who was stationed over them from participating in it. The regiment was in much too high a state of discipline to admit of a word being said, but they were repeated all the evening from mouth to mouth; and the poor fellows who were flogged declared to me they would willingly, on their knees at his feet if they dared, have begged, as the greatest favour he could bestow, to be allowed to run the risk of being shot first, with the certainty of being flogged afterwards if they escaped." Here it appeared to him they had the whole question of moral effect disposed of. Had these two men been handcuffed and marched to the rear of their regiment during the action, the moral effect would have been equally strong both on the minds of them and of their comrades, unmixed with the humiliation and disgust attending corporal punishment. If he was told that handcuffing a man on the eve of battle and during that battle was preposterous on account of loss of service, his answer was that Colonel Lake expressly told these men that his chief reason for flogging them was to prevent their sharing in the hazards and glories of the coming action. Mr. Guthrie disposed of one view of the subject beyond cavil—namely, the chance of reclaiming an offender by the lash. He says, that at the period spoken of there were several men in the 28th regiment who had received from 6,000 to 8,000 lashes, and yet were incorrigible. And he adds, that an old soldier cares little whether he receives 100 or 300 lashes. He mentions the case of a man of the name of Reardon, which is conclusive as to the comparative effect produced by corporal punishment and solitary confinement:—"I remember one of these gentlemen (Mr. Dennis Reardon by name) who, for some misdemeanour, was sentenced to receive 500 lashes. This the General commanding was pleased to commute for fourteen days' garrison black strap—that is, to work (or rather idle) fourteen days at King's works, without 7*d.* a day; but Mr. Dennis declined the favour, and took the 500 lashes." He also mentions the case of a grenadier, whom, he says, he saw get the last of 18,000 lashes, without their being of the smallest use to him in the way of reformation. And he adds, "Indeed, I have seen many scores of thousands of lashes given, without being aware of any benefit being derived from them. It is of little consequence whether a man receives 100 or 300 lashes; my own opinion is, that he should receive neither; a brand is not affixed to a felon, and it should not be to a soldier." He (Major Fancourt) was confident that every Gentleman would feel with Mr. Guthrie that drunkenness, certainly a grave military offence, but one which morally speaking, was daily dealt with as a venial one by the civil magistracy by the infliction of a fine of 5*s.*, ought not in a soldier's case to be visited with a punishment which branded a man with a degradation which he must carry to his grave. Such a practice was not only cruel, it was unjust, and the result invariably was, that the self-respect of the soldier was forfeited, and he became flogged into an irreclaimable offender. In proof of this he might mention that a gallant officer, a friend of his, who had returned from serving with the British Legion in Spain, had told him that in most instances where flogging had been resorted to in that force the men were soldiers who had formerly served in our army, and had there been subjected to the lash. He wished to say one word with regard to the number of lashes inflicted. The noble Lord opposite (the Secretary-at-War) last year restricted the number of lashes to be inflicted by general courts-martial to 200, by district courts-martial to 150, and by regimental to 100. The noble Lord was entitled to the thanks of the country for this. It was the first limitation of the power of general courts-martial. It furthermore proved the disposition of the noble Lord to render the punishment as little revolting as possible, and to consult the public wishes as far as, under all circumstances, his individual influence could be exerted. He would, perhaps, be permitted to assure the noble Lord, on the eminent medical authority he had just been quoting, that the reduction might be carried much further if the efficiency of the punishment was the point in question. Mr. Guthrie stated, that after the infliction of the first fifty lashes, the acuteness of sensation was so far gone, that the remainder of the punishment was a mere brutal exhibition. He pledged himself to prove this before a Committee by the evidence of Mr. Guthrie. He submitted that such evidence was most important, and it was, that the House might have the advantage of such evidence before deciding a question of great and very general interest, that he brought forward his motion for a Select Committee. As to the expediency of retaining the power of inflicting corporal punishments, however rarely exercised, he begged leave to read a short passage from the evidence of Sir Octavius Carey, commanding the 57th regiment. The Commissioners, in their Report to his Majesty, said—" There are some regiments in the service, in which, by the prudence and skill of the commanding officer, and by his unremitting attention and kindness to the soldier, the use of corporal punishment has been entirely avoided, and some of those officers speak confidently of being able to manage their regiment by what may be called moral discipline rather than by punishments. We have no doubt that rare instances have occurred of that sort, but it is too much to assume that, in fact, this moral discipline would have been so effectual, if there had not been a knowledge, on the part of the men, that, if driven to it, corporal punishment was within the reach of the officers." What says Sir Octavius Carey? The direct contrary. " You say you endeavoured to diminish punishment in the regiment you commanded; was your object principally to diminish corporal punishment?—Entirely, nothing but corporal punishment." " Did you find you could do that?—I should say I succeeded as nearly as a man could succeed, having the punishment on the statute; and the experiment was tried in Ireland with a regiment very much scattered, that had previously been accustomed to much corporal punishment."—" You think you succeeded as well as if you had not had the power of inflicting corporal punishment;—No; I think if I had not had the power, I should have succeeded very much better. For an officer cannot carry on discipline unless he persuades his officers and non-commissioned officers under him, that they are supported; and he cannot do that unless he puts the extreme penalty of the law in force, particularly when a court-martial persists in awarding such sentence. If you try a man by court-martial, and sentence him to corporal punishment, it must be inflicted, or you must pardon; you cannot change." He is also asked.—" During the time you commanded the 57th regiment, did you endeavour to obviate the necessity of corporal punishment?—Yes, I did. I gave a good deal of attention to that, and succeeded in obviating it in a very great measure."—" Not entirely?—Not entirely, because there were a few instances in which there was punishment. Corporal punishment is inflicted by the sentence of a court-martial. If the court persevere in awarding, the commanding officer must either pardon or inflict, he cannot change the sentence."—" It was well known in the regiment, that, in certain cases, that punishment would be inflicted?—No: I do not think it was. I made a point to persuade the men as far as possible that I would not punish. The men always knew that I had the power of punishment; but the general principle on which I endeavoured to maintain discipline was, as much as possible to persuade them that I would not punish—that I did not like the punishment." " Do you think that the regiment was in a very efficient state of discipline?—There was a brigade at Chatham in the year 1824, at the time the regiment arrived from Ireland. The regiment was landed, and marched into the brigade. Sir Henry Torrens was then reviewing it. The Duke of York reviewed it the day after, and he was pleased to say he never saw a regiment in higher order." He would not weary the House with quotations, though the evidence of other gallant officers presented much valuable information in favour of the abolition of military flogging. But the chief point for consideration now was, the appointment of a Select Committee by the House of Commons to inquire and report on the question in all its relations. Much information, most important to a just settlement, would be thus for the first time elicited. Should the result of such investigation be of a nature to confirm the Report of the Commissioners appointed by his Majesty, the House would, he doubted not, act upon that Report. If, on the contrary, the result of such investigation should show that corporal punishments might be dispensed with without detriment to the discipline of the army, then he should confidently trust to the wisdom and humanity of the House for the discontinuance of this mode of punishment. The deliberations of the House of Commons, and particularly the evidence given before the military commission by the Duke of Wellington, had excited much attention in other countries, a circumstance which he merely mentioned for the purpose of availing himself of the testimony borne by a Prussian general officer, General von Grollman, to the character of the British soldier. After disputing some points in the evidence of the Duke of Wellington with reference to the discipline of the Prussian army, General von Grollman proceeded to urge that the high character of the English soldier is achieved, not in consequence, but in spite, of the present system of military punishments :—" The English common soldier is a rough, powerful, and valiant man, who, in common with the whole people, possesses a high feeling of nationality, and therefore unites in himself all the qualities of an excellent soldier; if with those qualities the discipline of the army were combined, he would be all that could be desired in a warrior. Instead of this, the soldier is, by complete alienation from social life, by a peculiarly cruel punishment, degraded and brutalised and what he effects against the foreign enemy is more to be ascribed to his original good qualities, and his contempt of all that is not English, than to a discipline which would make a wild beast of him if left to himself." He submitted that the time had now arrived when the British soldier should be relieved from this stigma. Those hon. Members who differed from him in this opinion would not, he trusted, oppose an inquiry into the grounds on which the opinion rested. This was all he then asked. He asked it in no party spirit, from no wish to embarrass his Majesty's Government. The noble Lord must be aware that the hon. Members most hostile to his views on this subject were to be found on the side of the House on which he sat. But, as he had on former occasions said, this was a national, not a party question. Were it a party question, he should hesitate in undertaking it in the presence of Gentlemen of so much more political experience and importance than himself; and, did it appear to him to be exclusively a professional one, he should be deterred by the distinguished names arrayed against him. But feeling, as he did, that every Member of that House was competent to come to a sound conclusion on the subject, he asked for a Committee of inquiry, which, as it would leave every Member unfettered to decide on the merits of the evidence adduced, he could not suppose that his Majesty's Government would refuse. He was aware that it might be objected to the appointment of such a Committee, that it would go to bring the discipline of the army under the control of that House. Why, the very Bill which they were then discussing, the Mutiny Bill, called upon them from year to year to give to his Majesty the power of making articles of war for the infliction of any punishment, not extending to life and limb, except in cases specially provided for. Here they had the controlling power of that House over military punishments placed beyond all possible doubt. It appeared to him to be the very spirit of that Bill, that on its yearly introduction any measure affecting the interests of that large class of our countrymen who are voted for his Majesty's military service should be freely discussed and fully inquired into. He could not sufficiently thank the House for the indulgence he had experienced now and formerly when discussing a question so often brought under its consideration. He had endeavoured to evince his sense of such indulgence by treating the question temperately. Indeed, it was not by the force of declamatory and passionate appeals that he could wish to see this question carried. No; believing, as he did, that the abolition of this mode of punishment had now become a measure of national necessity, he asked only for a full, calm, and conclusive inquiry in Committee, the result of which would decide the justice and expediency of abolishing corporal punishments in the British army. He moved, as an amendment to the Speaker leaving the chair, " That a Select Committee be appointed to inquire and report on the question of military punishments."

Captain Boldero seconded the motion.

Mr. *Cutlar Fergusson* said, it was rather a remarkable fact, that of all the witnesses who were examined before the military commission the hon. and gallant Gentleman opposite and the hon. Member for Hull were the only two persons who had stated that corporal punishments could be abolished without detriment to the public service. He conceived it to be the duty of the hon. and gallant Gentleman to lay such statements before the House as would prove that such would probably be the result, before he called upon the House to grant any further inquiry into the subject. The hon. and Gallant Member had stated that he had no confidence in the Report of the Commission. Was that on account of the composition of the Commission? The Members of that Commission were well known to that House. They were Lord Wharncliffe, Sir J. Kemp, Sir E. Barnes, Lord Sandon, Sir E. East, and other most excellent and competent persons. Was not the report of such persons as these worthy of being received by that House with every mark of respect and attention? Let it be remembered that every hon. Member of that House who had ever taken a part in favour of the abolition of flogging in the army was among the first who were examined by the Commissioners; and not only that, but they were invited to bring before the Commissioners any Gentleman who was personally acquainted with the subject, and whose views were similar to those of the hon. and gallant Gentleman. Could the Commissioners, then, be accused of partiality in their proceedings? The hon. Member for Middlesex was also told, that if he knew of any person whom he wished to be examined, that person would be heard. In the course of the inquiry upwards of 100 British officers of the greatest experience in the army, men whose services had been most meritorious, and who were the best persons to give judgment on the question, were examined before the Commission, or gave written answers to the circulars that were sent to them. There was not one of those Gentlemen who did not state that it was impossible to dispense with flogging without danger to the discipline of the army, except the hon. and gallant Member for Barnstaple and the Member for Hull. If corporal punishment was abolished in the home service, it must follow, that in the foreign service also it should be discontinued; for it could not be expected that those soldiers who were sent on foreign service and performed the most arduous, difficult, and dangerous duties, should be subjected to the punishment of the lash, while those who remained at home in comparative security were freed from the disgrace, if disgrace it was. If flogging was abolished in one case, it must be abolished in the other. The opinion of the military Commissioners was, not that corporal punishment was viewed in a favourable light by the general officers of the army. He knew not one man, indeed, who was in favour of flogging, except so far as it was absolutely necessary to retain the power of applying it in order to keep up a proper state of discipline. The opinion of the authorities at the head of the army was, that the power to inflict corporal punishment could not be taken away from military courts-martial, but that it was desirable to reduce its frequency as much as possible. This the military authorities had done to a great extent, and unless their march in this work was impeded by such motions as that before the House, he believed in his conscience that in a few years corporal punishment would exist only in name. By returns which he held in his hand it appeared that in the course of eight years, beginning from the time when the number of corporal punishments exceeded those not corporal, the former had been reduced until they had become in relation to the latter as one is to nine. In the year 1835 the number of corporal punishments in the British army at home was 246; in 1836 the number was reduced to 163. Not only was the number of the punishments reduced, but the extent of severity was diminished in the same ratio. Such were the results of the course which had been pursued by the military authorities, and having mentioned them to the House, he believed they would vouch for the fact, that the greatest possible attention had been paid to the subject. He, for one, had felt it his duty to call the particular attention of the military authorities to this question, and he must say, that they were always disposed to pay the utmost regard to his suggestions. He could not conceive why the House should agree to the Motion of the hon. and gallant Member, unless it was convinced that a Committee could point out any better course than that which the military authorities were now pursuing, aided and assisted by the officers of the British army, than whom he must say there did not exist more humane men in the country, and it was a libel upon them to say, that they desired to inflict corporal punishment, except in cases of absolute necessity. Why did the hon. Gentleman require the appointment of a Committee? To adduce facts? He took it for granted that such was his object. But what would any man give for a Committee after the extensive inquiry which had taken place? The facts were already before every Member of the House, who was as well able to judge of them without, as with, the assistance of a Committee. The facts which were stated in the Report of the military commission were so incontrovertible that it was not in the power of any hon. Member of that House to get up and point out any part of the Report that was defective. That evidence was of a most decided character, and clearly showed that flogging in the army could not be abolished without reducing the power of the military authorities and endangering the discipline of the whole army. Would the Committee enable them to judge better of the composition of the Commission, or could the composition of any Committee be better? He believed not, for that Commission was composed of as honest and excellent men as any in that House; and he might add, of men better able to judge of the matter than any hon. Gentleman in the House. That Commission had brought before them the opinions of all the military authorities in the land. Persons of every grade in the army were examined, from the Duke of Wellington down to the private soldier. Immediately after the Commission opened, a circular was sent to every general officer, desiring him to send up, without mentioning the object, a non-commissioned officer and a private from every regiment. That request was complied with, and it would be found that not one of those persons agreed in opinion with the hon. and gallant Gentleman. Those men were brought up before the Commissioners for examination without any previous intimation, and gave their evidence unbiassed and uninfluenced by any party. Unless the hon. and gallant Gentleman wished to have a Committee composed of men whose minds were made up to abolish military punishment, he should like to know, in the name of God, what was his object? A full and complete statement of facts was before them. No indisposition had been evinced by the Commissioners to receive information from any or every quarter. Nay, the utmost pains were taken to procure it in every shape. What else could be done? He confessed, that when he entered upon the perusal of the Report of the Commission, he did so without the least possible bias, for he had never voted or spoken on the question. He was prepared, therefore, to look at the evidence with an impartial eye. But when he read it, it produced an overwhelming effect upon his mind. He endeavoured to read it, and to sift it as well as he could, with a most anxious desire to see if there could be found any possible grounds for the abolition of flogging, but the result was, that he could not come to that conclusion. All the Committees in the world, or all the Commissions—for he would resist a Commission now as much as he would a Committee—could not, after the inquiry that had taken place, produce satisfactory reasons for proceeding to the immediate abolition of flogging in the army, but there could be no doubt of the propriety of endeavouring to diminish the frequency of that punishment. He denied that public opinion was so strongly against the retention of the power of inflicting corporal punishment. He would not say anything on the foreign service, but he believed the army of Great Britain was now in that state, that it would not be safe to let loose this mainstay of authority and discipline, which, however, was but rarely resorted to, except in cases of insubordination and striking a superior officer, getting drunk on duty, or making away with arms and accoutrements. He should give a decided negative to the motion, and he believed that there was a sufficient number of hon. Members in that House to support him, men who were not biassed by popular clamour, but who would honestly and conscientiously discharge their duty, by voting according to their sense of what was necessary for the good of the service, and the preservation of the peace of the country.

Major *Fancourt* explained. While he disclaimed all intention of saying anything disrespectful of those who composed the Commission, he had always thought it ought to have contained the names of some whose opinions were favourable to the abolition of corporal punishment.

Mr. *Lennard* cordially concurred in one at least of the statements of the right hon. Gentleman below him (Mr. R. Fergusson)—he confessed he saw no necessity for any further inquiry. His own mind was fully made up on the subject from the information which, for the last ten years, had been poured in from all quarters. Since he had had the honour of a seat in Parliament, the question had been repeatedly debated in that House; it was actively and ably canvassed in all its bearings, by the organs of the public press, and if it could be settled by the authority and opinion of those eminent in the military profession, it must long ago have been decided. But, after all, the vote they were about to come to, must rest on facts with which every one must be acquainted. The hon. and gallant Officer who introduced the discussion stated, that he would bring before the Committee the evidence of Mr. Guthrie, to prove that after fifty lashes, corporal punishment exceeded human endurance. He, for one, was not inclined to allow those fifty lashes to be given in time of peace, because he was fully prepared to say they had already arrived at that state of things in this country, that they were bound, in deference to public feeling, for the sake of humanity, and the best interests of the British army, to see whether it could not be governed, and its discipline duly maintained, without having recourse to this barbarous and cruel infliction. It was not to be forgotten, that this country alone was disgraced by the punishment of the lash; even the Sepoy army of India was exempted from it, while it was not less notorious, that every British officer who had made the attempt to govern without corporal punishment, had been completely successful. If this frightful infliction were necessary to maintain subordination and discipline in the army, how did it happen that, in the police force, a most efficient and orderly corps—in the Coast Guard service, where the men had to undergo a great variety of severe labour, and who were always at their post, perfect discipline could be maintained without having recourse to it? They had arrived at the time when an experiment must be made. He was satisfied the right hon. Gentleman (Mr. Fergusson) was wrong in thinking that public feeling had retrograded upon this subject. The fact was quite the reverse, and that was one of the strongest reasons why the experiment now called for should at once be made. Public opinion had already compelled a relaxation of the sanguinary criminal code, although it had been so long defended by the judges; and if the punishment of death could no longer be inflicted for the atrocious crime of forgery, however extensive, would the people of this country allow them to punish a man with death at the halberts, for disposing of some comparatively trifling articles of his military dress? He asked whether there was not some danger in maintaining this punishment, when the soldier must know the state of public feeling, and how many Members in that House sympathised with him, and whether the same feeling might not arise in the army of England, as had been exhibited on parade in India, when it was made known to them, that corporal punishments having been abolished in the native army, were still to be retained in the British army? He maintained this species of punishment was an anomaly in the British Constitution; there was one description of punishments for the higher, and another for the inferior class of the army. He saw no chance of getting rid of it by degrees. However much it might be reduced, as long as it was held *in terrorem* over the heads of the men, it would be impossible to get that sort of people to enlist, which was most desirable for the King's service. The only course was, to abolish it at once. The right hon. Gentleman (Mr. Fergusson) had volunteered a high eulogium upon the sympathies and humanity of British officers; it was quite uncalled for. No man for a moment questioned the fact; but he could never forget, that when Sir Samuel Romilly advocated in that House the relaxation of the sanguinary criminal code, every judge on the bench denounced the adoption of secondary punishments in cases of forgery as likely to be followed by the loss of every safeguard to property; and it was quite natural that people having the administration of great powers, should be unwilling to part with them. He confessed he should have been better pleased, if the motion had been for the immediate and entire abolition of flogging in the army, but as all further information on the subject must tend to prove the unwarrantableness and cruelty of the present system, he should give his support to the proposition of his hon. and gallant Friend.

Captain *Boldero* disclaimed being actuated on the present occasion by any desire to court popularity, as had been insinuated by the right hon. Gentleman (Mr. C. Fergusson). On the contrary, he maintained his feelings were as honest as his motives were conscientious. The granting of this Committee was an act of justice not only to those who advocated the abolition of corporal punishments, but to those also who were for retaining them. Since the question was last mooted in the House, great alterations and improvements had taken place in the discipline of the army, both as affected the system of punishments and rewards for good behaviour, as well as length of service. With respect to the effect of that new system they were in a state of total ignorance. There had also of late been a restriction imposed on the number of lashes to 100, inflicted in the army under a regimental court-martial—a very beneficial regulation; and they ought to know the effect which it had produced. Another improvement which had taken place was, the increased facility afforded to soldiers of good conduct to purchase their discharge. When a soldier of good character went and stated to his commanding officer his desire to procure his discharge, he was to be enabled to purchase it at a diminished price. At present they were in utter ignorance whether that system worked beneficially or the reverse. The system of mulcting the soldier's pay had also been extended since the last time this question was discussed; how had that worked? Imprisonment had been suggested in lieu of corporal punishment, but the Commission stated that they had not sufficient means of ascertaining what the effect might be. Officers had since taken more care in selecting prisons for the imprisonment of soldiers, in which the discipline might be very severe, and a real punishment, or if the discipline were not very strict, the soldier might prefer imprisonment to performing his ordinary military duty. The Commission at page 15 stated, that this objection might be removed by the effect of regulations now in progress. That was last year. He presumed some of those regulations had already been carried into effect, and he should like to know the result, which a Committee would of course ascertain. This was not all: a circular dated 1833, had been issued by the noble Lord at the head of the Horse-Guards, limiting the punishment of flogging to three crimes—one of the most honourable, one of the most beneficial orders that had ever been issued, and which had done much to diminish the number of inflictions of the lash. They had a melancholy and practical proof of the inefficiency of flogging in that disastrous and ever-to-be regretted event which had lately taken place in Spain. The argument of some was, that the more the punishment the better the discipline of the soldiers must be. In the regiments under the command of General Evans, the lash was pretty freely exercised, not only under courts-martial, but under the provost system. How had it answered? Was it efficient? Quite the contrary. As soon as the men appeared in front of the enemy, they made a rapid retreat, which was covered by between 300 and 400 British marines, to whom not one stripe had been administered where twenty had been inflicted by General Evans; so that the rule was, the fewer the stripes, the better the discipline of the army. Another reason for the appointment of a Select Committee to inquire into and report upon the question of military punishments was this, that the noble Lord, the Secretary for the Home Department, had obtained leave to bring in a Bill to alter and amend the criminal law; and would they allow the army to be behind him in this respect? All military law was founded, in a considerable degree, on civil practice; these were the punishments of transportation and death. Some said that the practice which prevailed in other countries of sending criminals to the galleys as a punishment for various crimes was one which was most objectionable. The report declared it to be "most objectionable, corrupting, and degrading to the criminal, even to a worse degree of wickedness." He begged to quote these words, because they were strictly applicable to the question of flogging. If then, the noble Lord, the Home Secretary, were about to alter the criminal law in respect to civil offences, he would ask that noble Lord to extend the inquiry to those who were in the army. Now, another reason why this Committee should be appointed, arose out of the curious fact—but one which was, nevertheless, equally true—that in the Report of the Commissioners no allusion whatever was made to the opinions of medical men. What, he would ask, was the reason why medical officers in the army had not been examined on this matter before the Commissioners? Only two, he believed, had been examined; and for what purpose? They were examined touching the death of an unfortunate soldier who had been flogged, and not as to the general purposes of the service. But he should like to have the opinions of military medical officers; he should wish to know what was the moral and physical effect of this system of punishment; he should like to know whether a man felt the stripes on his back as severely or more severely the first time, than he did on the fourth or fifth occasion. For his own part, he was of opinion, that by repeated punishment, the heart and the back of a soldier became alike—equally callous and hardened. They were therefore bound to consider to what good end these punishments tended in the way of example. If, then, this Committee were agreed to, they would have before them regimental surgeons, who would be closely examined, and who would be, of course, practical men. If this Committee were appointed, they would get at all the improvements which had been made in military discipline; and perhaps they would find that this system of diminishing the number of stripes had increased crime in the army. If such should be proved to be the fact, that would be a reason for the continuance of the former practice. But, on the other hand, those who advocated the abolition of flogging, contended that this was not the case. In the year 1834 the number of corporal punishments in the army was 257; in 1835 they were 246; and in the year 1836 they were diminished by nearly 100, the number being 163. This was a subject which, to dwell upon, would be bad taste; but let them exercise their ingenuity to devise some system for abolishing flogging in the time of peace. Many persons disliked separating punishments in time of peace from those which were inflicted in time of war. At all events, he hoped the Committee would be appointed, and that the effect would be to abolish in times of peace that system of punishment which they now condemned.

Mr. *Gillon* supported the motion. If a better system of rewards as well as punishments were introduced into the army, a much better class of men would be found to enlist in that department of the King's service. There had lately been a brevet which cost the country a great deal; he complained that promotion was not extended to the ranks. He hoped the Committee would be appointed, and would extend their inquiries into the whole system of the discipline of the army.

Colonel *Thompson* said, that having been alluded to as one of two, he was glad to take the opportunity to state, that he remained unaltered in the opinions he had formerly expressed. He was glad too to hear of the punishment by regimental court-martial being reduced to a hundred lashes, because it put him in mind that one-and-thirty years ago he voted for a hundred lashes at such a court-martial, and the gruff old captain that presided, asked him if he intended making a joke of his Majesty's service. He remembered also that about the same time, he and an officer now commanding one of the finest battalions in the army, refused to vote for corporal punishment in a particular case, and the next day they were directed by name in regimental orders, not to sit on any court-martial till further notice. If from these facts he might flatter himself that he had been in any degree in advance of the age, he was quite willing to take his chance of being proved in advance again, by stating broadly the two points he never intended to cease insisting on; first, that in an army which there had been time to discipline and organise, corporal punishment on service before the enemy was the bane and nuisance of the officer who wished to do his duty; and, secondly,—and he hoped hon. Gentlemen would not charge him with any solecism without thinking first,—that it would be much more easy to carry on the duty without corporal punishment after such punishment had been prohibited by law, than it was to do it now. Was it not melancholy, that when officers had an almost unlimited power of imprisonment, they should declare they could not carry on the duty without cutting the backs of those they ought to lead by the sentiments of devotion and attachment? Had not he been field-officer of the day in the garrison of Dublin, and seen men solitarily confined to the extent of human endurance—pale faces thrust out at holes to show the visiting officer that the culprit was alive —and was he to be told, or being told, to admit, that men of education and talent could not maintain order without the assistance of the lash? Mr. Abernethy had a story of a quaker patient, who, the less he ate, the fatter he grew; by something like the same process, he had always found, that the less soldiers were punished, the better they were. He had been lying in wait for an argument, which if it had not been used now, had been before, and probably would again. It had been thrown in the teeth of those officers who had objected to corporal punishment, that the *levée en masse* which had been sent to Spain, had not done without corporal punishment. Whether that had been necessary or not, he was not called on to give an opinion; but what the officers alluded to had stated, was, that in the British regular army, with all its appliances and means to boot, with its opportunities of gradually mixing new men with old, and training them by all the excitements of competition and emulation, the use of the lash might be dispensed with; and it was not fair to apply it to a different case. Finally, he saw a strong reason why the Committee asked for should be granted, notwithstanding there had been a Commission before. The country was tired of Commissions, where all the Commissioners were known to be of one way of thinking. Suppose that Major Fancourt and himself were to propose the formation of a Commission or a Committee, where all or nearly all were to be of the members of their own way of thinking. He did not imagine anybody would suggest that they would put down the thing that was not, or would send for anybody else to do it; but for all that, would hon. Gentlemen on the other side be content? If they would not, then he should hope to see the Committee granted.

Mr. *Ewart* was astonished that the right hon. Gentleman (Mr. C. Fergusson) should have employed the argument that military men were best qualified to judge of the present question. Throughout the whole course of the ameliorations effected in the criminal law, the judges had been opposed to any alteration, and they were the last persons who ought to be consulted on a reform of the jurisprudence of the country. Experience proved, that professional men were generally opposed to any change of the system which they had themselves administered, and under which they had been educated. One objection urged against the abolition of flogging, by the Commission which had made their Report last year was, that drunkenness was far more prevalent in the British army than any other. This vice, however, was gradually disappearing before the progress of education and the improvement of morals, and the army was becoming every year more temperate. It ought to be the object of a wise and enlightened Administration to increase the comforts and elevate the character of the soldier, to inculcate better habits and higher principles; and this he was satisfied would prove to be an agency far more effectual for the maintenance of discipline than a cruel and degrading punishment. Let the House look at the effects of the military system adopted in Prussia and France. In those countries the greater proportion of the officers were promoted from the ranks, and advancement was uniformly the reward, not of political influence, but of diligent and faithful performance of duty, and thorough knowledge of the military profession. In those armies the punishment of flogging was now disused, and the consequence was, that the moral character of the soldiery had been improved, and their sense of honour heightened. If the feeling against the infliction of this barbarous punishment was daily growing stronger among the community in general, so also was it in the army. The detestation of it felt by the soldiers would increase with the spread of knowledge and the diffusion of education, and would in the end lead to its extinction. Indeed, it could hardly be otherwise, while the soldier retained the feelings of a man, for in no other profession was the humble aspirant shut out from honour and distinction, or driven to reconcile himself to the prospect of hopeless and unrewarded servitude. He hoped the House would consent to the appointment of a Committee, with a view to the substitution of a better system, more generous to the British soldier, and more worthy of the British nation.

Mr. *Hume* remarked, that the right hon. Gentleman had cautioned the House against interfering, by any steps it might take on the present occasion, to impede the efforts made by the Commander-in-chief for the improvement of the military system; but the arguments of those, who thought with him on this question had been met by the same caution for the last twenty years, without leading to any substantive result. He had moved on the 2nd of April, 1833, a resolution in that House to restrict the infliction of corporal punishment to the offences of mutiny and drunkenness, which was lost by a majority of eleven, 140 voting for it, and 151 against it. It was intimated to him next day, when in his place, that the Commander-in-chief would issue an order in accordance with the feeling of the House on the subject. He adduced this fact to show, that, without the interference of the House, and the expression of its opinion, it was vain to expect the abolition, or even the mitigation, of the punishment. He should with great pleasure give his vote for the Committee; and he hoped, that the noble Lord, who was lately Governor-general of India, whom he was glad to see in his place, would also support that motion. The noble Lord (Lord W. Bentinck) had achieved a great triumph to the cause of humanity in abolishing this revolting torture in the native Indian army; and he appealed to the House, if Hindoos were exempted from the degradation, should the British soldier be compelled to submit to it. The direful prognostications of ruin and calamity from the change entertained both at the Horse Guards and the India House, had not been realised; it was found to be attended with beneficial results, and there was no reason to suppose, that fewer advantages would flow from it in an army so far superior to that of India in knowledge and intelligence, and surpassed by none on earth in the quality essential to the military character. He regretted that Ministers should obstinately refuse the inquiry which was asked; for he believed them to be ignorant of the real feeling of the people on this subject, and he could assure them, that resistance to inquiry would rather augment than diminish its force. He entreated his Majesty's Government to reconsider their determination, and to consent to the inquiry proposed, to which they would otherwise ere long be compelled to accede by the unanimous voice of the people.

Viscount *Sandon* said, that it could not be supposed, that a Select Committee of the House would be able to collect a greater mass of information than the Commission appointed by his Majesty, or to deduce from it more accurate conclusions. That Commission had examined the commanding officer of almost every regiment in the service, and had investigated the subject with the greatest possible minuteness. Great stress had been laid on the Prussian military system, and the alleged beneficial effects which it produced. He was surprised that a system so utterly unfitted for the habits, manners, and feelings of the people of this country should be held up to the public as one worthy of being copied in its details; and he was still more surprised that hon. Members, who were zealous supporters of the principles which they styled liberal, should recommend to the adoption of the House a system which supposed, and which was inseparably connected with, an absolute Government. By the law of Prussia, every citizen was obliged, on arriving at the age of twenty-one, to serve in the army for a period of three years, and men of all ranks of society were obliged to enter the service as privates. Under such a system as this there could be no difficulty in finding in the ranks men of good character and education, accustomed to good society, and fit to take their place in the company of officers. But was such a system applicable to this country, were men in good circumstances prepared to encounter the toil and hardships of colonial service which the British soldier was doomed to undergo? Until this was found to be the case it would be vain to attempt to introduce such a system as that of Prussia in this country; and unless they were prepared to establish that system it would be impossible to carry into effect promotion from the ranks on an extensive scale. It was a mistake to suppose that corporal punishment was entirely abolished in Prussia. The soldiers of that army were divided into two classes, and those comprised in the second were liable to have that punishment inflicted. This distinction might perhaps be introduced with advantage into the British army, but promotion from the ranks was impossible without a total change of system. It had always been considered a safeguard to the constitution, that the officers of the army should be men of wealthy and distinguished family, that they should mingle in the best society, and should be imbued with those civil feelings which form the best guarantee that they will never turn their arms against the liberties of their fellow subjects. Nothing could be more dangerous than to have an army officered by men holding no other station in society but that which they derived from their profession, looking forward to promotion as the single object of their ambition, having no interest separate from that of their comrades, and regarding their commander with a feeling almost akin to devotion. Such a system as this, which prevailed in the continental nations, severed the army from the people and took away from its officers all community of interest with their countrymen. Though opposed to the great change in the government of the army which was now proposed, he hoped that Government would not overlook the recommendation of the Commissioners, of whom he had the honour to be one, who had expressed a very strong opinion against the frequent infliction of corporal punishment. He thought it desirable that Government should state how far they had carried into effect the recommendations of the Commissioners, who had also strongly advised the establishment of schools, libraries, and reading-rooms, in each regiment, and that encouragement should be held out to the men to employ their spare time usefully. The Commissioners had also recommended the separate confinement of military offenders, and the erection of prisons to contain them. The best substitute for the lash was imprisonment, and the Commissioners stated, that the greatest obstacle to its use was, that at present the soldiers were contaminated by the civil felons with whom they were mixed. He was anxious to know how far the wishes of the Commissioners had been attended to in this respect. The Commissioners had recommended that the amount of punishment inflicted, and the crimes for which it was to be inflicted, should be more clearly defined, and that its use should be restricted to aggravated cases of insubordination. They had also advised that more discretion should be vested in commanding officers to mitigate the sentence of regimental courts-martial, and more power to confer distinctions on the gallant and well-conducted soldier. His Majesty's Government, having adopted the report in the disagreeable measures which it recommended, were bound, in justice to the Commissioners, to act on those more gracious and agreeable parts of it, which advised the mitigation of this punishment, as well as the rewarding of faithful and meritorious service, and the improvement of the soldier's condition—steps which, he believed, would eventually lead to the entire extinction of flogging.

Mr. *E. L. Bulwer* thought, that the noble Lord, the Member for Glasgow (Lord W. Bentinck), had settled this question when, in his government of India, he declared, that the native soldiers should not be subject to the degradation of corporal punishment. The question now was, not whether the English soldier should be more heavily and more severely punished than the soldiers of France or Prussia, but whether he should be continued liable to a degradation from which the Hindoos and Mussulmans of the British empire had been exempted. The noble Lord (Lord Sandon), the Member for Liverpool, had stated, that he considered it as a safeguard to the constitution, that the officers of the army should be members of high families. That might be true to a certain extent; but he thought the practice of appointing the members of high families alone, had been carried to too great an extent. If the punishment of flogging were abolished, additional facilities must necessarily be given to enable men to rise from the ranks. Mankind could be governed only by one of two principles, hope or fear. If fear were diminished, hope must be increased. If corporal punishment were abolished for offences, a prospect of advancement must be given to those who behaved well. He thought that some hon. Gentlemen who sat on that side of the House, were mistaken when they supposed that the system of punishment in the British army, was so much more harsh and terrible than the system adopted and acted upon in the armies of continental nations. It was true that there were many offences in the British army to which the punishment of the lash was attached; but in the French system there were not less than forty-eight offences liable to the punishment of death. But it must be remembered, that the punishment of flogging in the army was one to which the great mass of the people of England were ever inveterately opposed, and it therefore followed that it must be abolished. No mode of punishment could be long continued, if it went directly in the teeth of popular opinion. And he would ask the military Gentlemen present, whether the effect of the discussion that had taken place in that House upon the subject, had not been to strip the punishment of half its terrors, and thereby to weaken the discipline of the army? Could it be supposed, that the common soldiers reading the debates of that House, and finding that many Gentlemen who supported the present Administration, and by whose support alone the Administration could continue to exist, were averse from the punishment—would not be aware that their officers, rather than incur the odium and the responsibility of inflicting this unpopular punishment, would wink at many of their offences, and suffer them to pass by without notice? Under these circumstances, he was decidedly of opinion that the Government ought not to oppose the Committee moved for by the hon. and gallant Member for Barnstaple. He confessed that the question was an extremely difficult one, and one that ought to be gone into with great caution and great calmness. When flogging was proposed to be abolished, it became a matter of very serious consideration what punishment should be substituted for it. For his own part, he believed, that when flogging was altogether done away with, it would be necessary, in several cases, to adopt the punishment of shooting. But that was not to be taken as an argument against the abolition of the lash. The punishment of death was so great and terrible, that few men would be found hardy enough to commit the offences to which it was attached. Therefore, in the few instances in which it would be necessary, he would rather substitute the punishment of death than continue the miserable and degrading infliction of the lash—a mode of punishment wholly unfit to be continued amongst the freest people of the globe.

Viscount *Howick* wished sincerely that the hon. Gentleman by whom this motion was brought forward, had explained a little more distinctly what was the precise object of it. He should like to know distinctly, whether it were only a renewal, in another shape, of the gallant Member's motion of last year for the immediate abolition of flogging in the army, or whether the gallant Member really conceived that before the House could make up its mind upon the subject, before it could arrive at a satisfactory decision upon this important question, further information and an additional collection of facts were required. If the latter were the gallant Member's object, if he really proposed the appointment of this Committee, not merely as an indirect means of getting a few additional votes to condemn the existing mode of punishment in the army, if he took this course on the ground that the House was not in possession of sufficient facts or sufficient information to enable it properly to decide the question, he could not help expressing the surprise he felt that in the last Session of Parliament no similar complaint was made. They heard nothing last year of the insufficiency of information before the House. The gallant Member himself and many other Gentlemen also seemed disposed to support his present motion; all argued the question upon the evidence taken before the Commission appointed by his Majesty, and all appeared to do so as if they felt that the facts of the case were fairly and distinctly before them, and that the House was in a condition to form a correct opinion upon the subject. He wished the gallant Member, therefore, to tell him distinctly why he had altered his opinion, and why he thought that the House was not now in a fit condition, without further inquiry and further information, to come to a right decision upon the matter. One ground of complaint was, that the Commission, whose Report was before them, had not been fairly appointed; that it was composed only of seven gentlemen, every one of whom was rather disposed to continue the existing mode of punishment. Why did not the gallant Member make that complaint when the Commission was originally appointed? He would remember that the Commission issued at the commencement of the Session, when his own political friends were in power, and when any suggestions from him as to the unsatisfactory composition of the commission would no doubt have been immediately attended to. But what real ground of complaint was there against the Commission? Had the gallant Member found any difficulty in stating before it all the arguments and facts upon which his opposition to the punishment of flogging was founded. He believed that every Gentleman opposed to the system had had a fair opportunity afforded to him of stating his views upon the subject. It was, besides, not correct to say that every gentleman who sat upon the commission was strongly opposed to the abolition of the punishment. One of them had been quite unable to make up his mind upon the subject; but the result of the inquiry convinced him that for the present, at least, the punishment of flogging could not with safety to the discipline of the army be abolished. As regarded the present motion, he confessed that whilst he regarded a Committee or a Commission as an admirable instrument for collecting facts and materials upon which the judgment of the House might be made up, he had never attached any great importance or great advantage either to one or the other, as a medium of controversial examination. Proceedings of that description were generally of a more vague, more unsatisfactory, and less convincing character than the arguments conducted either in the House, or through the medium of the public press. When facts were not in dispute, little good could possibly result from the appointment of a Committee; and no man he thought, would tell him that all the facts that could be elicited upon this subject had not been brought out either before the Commissioners, or in the various publications that had issued from the press. He granted that if Ministers rested their case upon the report of the Commission, the gallant Member would have to complain that it had not been composed of gentlemen of the same opinions with himself. If the House were bound to take the Report of the Commission rs as a thing conclusive in itself, like the verdict of a jury, there would no doubt be a fair ground for a further inquiry; but if the gallant Member would lay aside any feeling that he might be disposed to associate with the names of the Commissioners, and look to their report only for the value of the facts it contained, he would see that it furnished him with all the information he could possibly desire. An hon. Member who had spoken had said that he required a Committee for the purpose of enabling him to form an opinion upon this subject, because every one of them had declared that their minds were made up as to the expediency of abolishing the system. From these considerations he was warranted in coming to the conclusion, that this motion had in effect for its object the abolition of corporal punishment in the army. If this were so, then he would say that there was no form in which the question could have been mooted so inconvenient as the present; for the hon. Gentleman, while calling upon the House to come to a vote that would denounce the system of punishment in the army as a mischievous system, would still leave that system in full force. In the whole course of the present debate no hon. Gentleman had met him (Lord Howick) on the ground which he last year took—namely, that if they abolished corporal punishment, the discipline of the army could not be kept up with a less amount of pain. On the score of humanity, therefore, he did not conceive that much would be gained by changing the present system; for if they abolished corporal punishment they would be compelled to have recourse to the more awful punishment of death—an alternative which they were bound by all means to the utmost extent possible to avoid. It had been said that dismissal from the army would deter men from the commission of offences, and thus corporal punishment might be dispensed with; but experience had shown that the dread of dismissal was not an adequate motive to good conduct. It was absolutely necessary that there should exist some efficient method by which the system of plunder in the face of the enemy and in the territory of an ally might be checked. The argument that promotion would be effectual in preventing offences had been again urged; but hon. Gentlemen should bear in mind that in a time of peace promotion must necessarily be so slow that it could not be made available as a moral corrective. He had already obtained the sanction of the House to the introduction of the system of rewards in the army, and he entertained a very sanguine expectation that the result of such a system would be extremely beneficial. He agreed also in the propriety of the proposition that every facility should be given to the soldier to amuse and recreate himself consistently with a proper observance of discipline. There had been a frightful degree of mortality amongst the white troops on the western coast of Africa, and more especially amongst those troops who had been sent there as a punishment. Now, if the punishment of flogging was abolished in the army, they must in their penal code resort to the punishment of sending men to the condemned regiments. The noble Lord then read an extract from a medical report on the health of the troops on the western coast of Africa, with a view of showing the frightful state of the mortality amongst them, and more especially as regarded those men who were sent there as a punishment, for they became indifferent and careless as to their mode of living, well knowing, as they did, the fatal nature of the climate. In 1825, the strength of the white troops in the Western African colonies was 571, and out of that number there were not less than 441 deaths within the year. In 1826, the number of white troops in these colonies was 471, and the number of deaths in the year was 342. His hon. Friend, the Member for Finsbury, last year made a charge against an officer respecting the infliction of punishments, who was then out of the country. He said that Colonel Arthur, being anxious to add to the severity of the punishment imposed by a court-martial on a soldier, chose to be present at the infliction of the sentence, and ordered that the lashes should be inflicted by tap of drum, or at half-minute time. That officer had now returned to this country, and stated most distinctly that he had never attended the infliction of any punishment but when it was imposed in exact conformity with the army regulations, and he altogether denied the accuracy of the statement made by the hon. Gentleman. In addition to this, he had a number of documents from various individuals corroborative of the statement of this gallant officer. The noble Lord read three letters; the first was from a Captain Browne Willis, captain in the Royal Artillery, who commanded the artillery in Honduras from June, 1818, to 1824, and was directed to Sir Alexander Dickson. It stated that the writer, having read in *The Times* newspaper of the 16th of April, 1836, the statement of the hon. Member for Finsbury respecting the infliction of punishment on a soldier, of the name of Ingram, by the tap of drum, he wished to state that he was present at the punishment of this man, and he distinctly denied that it had been inflicted in a manner not conformable to the usual mode, or that there was any undue severity. The writer also stated, that he never saw punishment inflicted in the way described by the hon. Gentleman; and also, that it was notorious in the colony that Colonel Arthur was adverse to the infliction of corporal punishment, and that he never consented to it but with the greatest reluctance. The noble Lord stated that he had similar declarations from two other officers of the artillery who served at the time alluded to in the colony of Honduras. In conclusion, he would only add that he trusted that the House would not sanction the motion of the hon. Member for Barnstaple.

Mr. *Thomas Duncombe* did not intend to find fault with the noble Lord for reading these letters. The noble Lord had told him about an hour ago that he intended to refer to the case, but he thought he should have some further notice on the subject. He did not feel any blame attached to himself, as he firmly believed that he was only stating the truth. He would remind the House of what took place last year on this point. The noble Lord and the right hon. the Judge-Advocate took credit to themselves for having reduced the number of lashes that could be inflicted in the army to 200. He then said, that he trusted that care would be taken that while the number of lashes was reduced, the punishment would be inflicted in the usual manner, and that the time should not be prolonged so as to add to the severity of the punishment. He then stated, that there were cases in the army of officers who protracted the time of punishment so as to increase its severity by prolonging the sufferings of the soldier; and he also stated, that Colonel Arthur had done so in Honduras, and he mentioned Colonel Bradley as his authority. He had laid on the table of the House a petition from the gallant officer he had just named, in which Colonel Arthur was charged with inflicting punishment in an unauthorised manner, and in a way calculated to prolong the sufferings of the soldiers. He had given notice of a motion founded on this petition, and he thought that it was rather unfair on the part of the noble Lord to endeavour to forestall the discussion on the subject. He waited until Colonel Arthur returned to this country, and he was now determined to proceed with the charges against him. Colonel Bradley, whose word could be taken as well as that of Colonel Arthur—and he wished that that gallant officer would be allowed to enter into his case before a Committee—Colonel Bradley had been ill-used by Colonel Arthur, and the shield of the Horse-Guards had been thrown over the latter officer in the most unjustifiable manner. He (Mr. T. Duncombe) was determined that one of these officers should go to the wall, and he had no hesitation in saying if Colonel Bradley had made a false statement he would not meet with support. But he believed that Colonel Arthur had flogged men in a most severe manner; and certainly he had been most unpopular in every colony in which he had been. He had received within the last few days a Van Diemen's Land newspaper, from which it appeared that Hobart-town was illuminated at the departure of Colonel Arthur. He meant on the 1st of June to move for the appointment of a Committee to inquire into the allegations contained in the petition of Colonel Bradley; and then Colonel Arthur's friends would, he trusted, support the motion for inquiry. With regard to the question now immediately before the House, the right hon. the Judge-Advocate said, that corporal punishment was very nearly abolished in the army, and the only thing that would prevent that object being attained within a short time was the repetition of motions like the present; but he would ask his right hon. Friend whether he believed things would have been as described by the right hon. Gentleman, with regard to corporal punishment in the army, but for motions similar to the present? The right hon. Gentleman also said, that this motion cast a slur on the Commission that was appointed the year before last on this subject; but it ought not to be forgotten that all the measures of that Commission, except one, were favourable to corporal punishment, and that one Member had never given a vote. The public had no more confidence in that Commission than they had in the Committee now sitting up stairs to inquire into the working of the new poor-law; for in both instances the selection of those appointed had been all on one side. He trusted that the sense of the House would be decidedly in favour of the motion of his hon. Friend for the appointment of a Committee. Before he sat down he would mention a circumstance that had been narrated to him by an officer of the fifteenth hussars. That Gentleman told him that he had seen a man flogged two or three times who had been guilty of no crime whatever except being intoxicated on pay-day [*Hear*]. Hon. Members cried "Hear!" but if this were to be a ground for flogging, he would tell them that he should like to see every Member of that House flogged who was guilty of the same breach of propriety. The last time but one this man was brought out, the punishment was increased, and he received it in the most heroic manner, not giving utterance to a single groan or cry, but at length he fainted, and was taken down from the triangle and carried to the hospital. The adjutant of the regiment then ordered that a new cat should be made with larger knots, with which he said that he was satisfied that he would make the man feel, [*Name name*]. He would give the name before the Committee, and would prove his case. The man was again flogged, and when taken down from the halberts he was found to be insane, and he remained a maniac. [*Name*]. He was sure when the name of the officer who made this statement to him was mentioned it would satisfy hon. Gentlemen, and he trusted that a Committee would be appointed before which he could call this officer. [*Name*]. No, he would not name the parties, but would prove his case before the Committee. The case he alluded to occurred twenty years ago.

Viscount *Howick*, in explanation, stated that the petition of Colonel Bradley was not confined to the question of the infliction of undue punishment, but embraced a variety of matters.

Mr. *Bridgeman* knew many cases in which men had been flogged without having committed any offence. He knew of one case in which a man who was sentenced to be flogged said, that he should never survive it, and on being taken down and conveyed to the hospital, he took an opportunity of cutting his throat. He trusted that the House would sanction the appointment of a Committee to inquire into the whole subject.

Sir *George Grey* felt himself bound to protest against the course adopted by the hon. Member for Finsbury in endeavouring to raise a prejudice against Colonel Arthur, in anticipation of the motion which the hon. Member had given notice of for the 1st., of June, and this, too, by the statement of circumstances which he (Sir G. Grey) fully believed could not be substantiated by evidence, and which were, indeed, altogether at variance with facts within his knowledge. The conduct of Colonel Arthur in Van Diemen's Land had been such as to elicit the warm thanks of each successive Colonial Secretary, and to procure for the gallant officer the esteem, nay, the affection of a great majority of the colonists, an esteem and affection unequivocally shown in the fact that a large subscription had been raised among the colonists for the purchase of a piece of plate, to be presented, in the name of the colony, to Colonel Arthur. It was well understood that Colonel Arthur was fully prepared to rebut every charge that had been made against him, and the only reason that the gallant officer had not already come forward to meet these charges in person was the very sufficient one, that on his landing at Plymouth he had been attacked by a dangerous illness, which had confined him to his apartments at Plymouth ever since.

Mr. *T. Duncombe* begged to observe that the discussion had not originated with him.

Sir *Henry Hardinge* entirely differed from the hon. Member for Finsbury. So far from considering it unfair on the part of the noble Lord to read those letters he thought it was no more than an act of duty. The statements of the hon. Gentleman with respect to Colonel Arthur were not characterised by that candour which he should have expected from him. The hon. Member found fault with the noble Lord for entering into any defence of Colonel Arthur's conduct, and complained of it as unfair. The hon. Member did not seem to remember that the petition presented by him contained six whole pages of attack upon that gallant officer, having reference, not merely to the subject of flogging, but embracing all the circumstances of a dispute of twenty years' standing between Colonel Arthur and Colonel Bradley, which originated at Honduras. That dispute had been four or five times the subject of discussion in that House. It was under consideration when Mr. Ellice was Secretary at War, when Sir John Hobhouse held the same situation—and upon all those occasions, whether the Whigs or Tories were in office, the conclusion come to was that Colonel Bradley had no case. The petition presented by the hon. Member for Finsbury merely stated that, in Colonel Bradley's opinion, Colonel Arthur, in the infliction of punishment at Honduras, acted with cruelty and inhumanity; but he mentioned no names, he stated no facts, he went into no detail of circumstances, he did not even say in what year it occurred. Now, was that a fair way of treating a gallant and meritorious officer, who had so long served the public faithfully and efficiently? Were his name and character to be thus brought before the public merely on account of a quarrel of twenty years' standing? The officer in command of the artillery at the time the punishment was inflicted at Honduras, and the gunners who witnessed the transaction, stated distinctly in their communications to the noble Lord (Lord Howick) that the punishment was inflicted in the usual way, without any circumstance of aggravation or of peculiar severity. From all he knew and heard of Colonel Arthur it was his thorough conviction that no case could be made out against him. He did not entertain the smallest doubt that he performed his duties ably and honourably, and beneficially to the country, in the place where he was last employed, as well as at Honduras. What more could Colonel Arthur do, as soon as he heard such charges made against him, than state his readiness to meet any inquiry? Let a Committee be appointed, and he had no doubt they would come to the same opinion of Colonel Arthur's conduct and character as that he now entertained himself. With regard to the subject immediately before the House, he had heard no sufficient reasons stated for the appointment of a Committee. The Report of the Commissioners upon the subject was as full as it could be, and he did not see how any further information of the least importance could be obtained by further inquiry. Seventy-one individuals had given their evidence before the Commission, besides sixty or seventy military officers — 130 altogether were examined. He did not see, after this, how any further information was to be obtained. General officers, field-officers, and non-commissioned officers and privates were examined, clergymen also were examined, and one of them (a Presbyterian clergyman) gave evidence which was perhaps the most valuable of all that had come before the Commissioners. The hon. Member for Barnstaple and the hon. Member for Hull (Colonel Thompson) were the only two witnesses who were of opinion that flogging in the army might be done away with altogether. Even the hon. Member for Middlesex himself (Mr. Hume) gave it as his opinion that corporal punishment must be retained in the field. Was he right or not in this interpretation of the hon. Member's evidence? [Mr. Hume nodded assent.] Well, the hon. Member admitted the necessity of it in the field, but still in the last Session the hon. Member voted for a total abolition. He did not see how the hon. Member for Middlesex could reconcile his evidence and his vote. As far as he could collect from the discussion there were only three substitutes proposed for corporal punishment—dismissal, penal companies, and shooting. It had been said that dismissal from the service was found to answer in the police force, and it was very properly observed that there it might answer well enough as the superior pay rendered dismissal a punishment of considerable severity. But even in the police force with such a check as this it had been found necessary to dismiss four thousand men. It was absurd to talk of applying that principle to the army. With respect to penal companies they were found totally inefficient as a substitute for corporal punishment, and this was fully proved from experience at Sierra Leone. Marshal Soult did not approve of penal companies. The only remaining substitute was death, and it was admitted by the Member for Lincoln (Mr. Bulwer) that the punishment of shooting must be considerably increased in the army if corporal punishment was done away with. For his part he must confess that however painful, however revolting, to the feelings, flogging might be, he much preferred it as a punishment to that of death. The distinguished poet, Mr. Campbell, in his Letters from the South, recently published, made some observations upon this subject, which he would recommend to the attention of Gentlemen who spoke so lightly of the punishment of shooting. Mr. Campbell said he found upon inquiry that there was more drunkenness in the French than in the English army, and from what he observed he came to the conclusion that to avoid the necessity of a more severe punishment, flogging might occasionally be necessary. He found that in the French army at Algiers one man a month was shot. However painful to his feelings he was inclined to see one instance of the punishment of death inflicted in this way. He had an opportunity of witnessing it in the case of a man who was to be shot for desertion. Before the punishment was inflicted, his comrades being drawn up round him, he declared that in deserting, his object was not to go over to the enemy, but to go to Italy to see his father and mother. Mr. Campbell described the horror of the scene in terms which he could not now call to mind, and exclaimed against the hardship of giving to men the power of depriving their fellow-man of life. He conversed with the French general upon the subject, and observed to him that, however terrible it might appear to him, perhaps it was not more revolting to French soldiers than flogging might be. "Ah!" said the distinguished officer whom he addressed, "do not think so; this man would very willingly have his punishment commuted for the infliction of 300 lashes." From this anecdote he must conclude that the gallant officer alluded to preferred the English system of corporal punishment to that of shooting. He had so often before delivered his opinion upon the subject in that House that he would not go into it again upon this occasion. He felt convinced that it would be impossible to preserve discipline in the army if the power was abolished. This being his opinion he expressed it frankly and openly, for he never would court popularity at the expense of sincerity. If the present motion was agreed to, the result would be to convert that House into a standing Committee to inquire into this subject year after year.

Sir *C. Dalbiac* said, the bravery displayed by the King's troops in the North of Spain was a striking illustration of the excellent effect of a system of discipline such as that now practised in our army. The hon. and gallant Officer proceeded to observe, in the midst of considerable confusion caused by the conversation which prevailed in the House, that he thought the same principle ought to apply to the navy and the marines as to the army; it appeared, however, that the abolition of flogging in the navy was a question which had been given up, even by the advocates of the present motion. He referred to the Report of the Criminal Law Commissioners, which stated that Dr. Starkie had given it as his opinion that corporal punishment might properly be inflicted in many cases of larceny and other offences. Now, if this punishment were to be left in the hands of the officers of the law, he could not see why high officers in the army should be precluded from resorting to it. His hon. and gallant Friend, when before the Commission on military punishments, made reference to one particular regiment —he begged to ask him whether that regiment was the 12th Dragoons which he (Sir C. Dalbiac) took out to Bombay in the year 1822.

Major *Fancourt* declined to particularise the regiment.

Captain *Polhill* said, that having passed a considerable period of his life in the army, he felt bound to say that he did not know how the power of inflicting corporal punishment could be abolished altogether without having recourse to a punishment much more awful, and much more serious to the offender, namely, that of death. He knew of cases within his own experience where, in marching regiments, but for corporal punishments being available that of shooting must have been inflicted. The hon. and gallant Member then related the case of a soldier of his own regiment who had been flogged, and who had afterwards turned out one of the best conducted men in the regiment; and concluded by declaring his opinion that a good soldier need never fear the lash.

The House divided on the original motion:—Ayes 167; Noes 72: Majority 95.

List of the AYES.

Adam, Sir C.
Alford, Viscount
Angerstein, John
Archdall, M.
Ashley, Visc.
Bagot, hon. W.
Baillie, Hugh D.
Balfour, T.
Barclay, Charles
Baring, Francis T.
Baring, H. Bingham
Beckett, Sir J.
Berkeley, hon. C.
Biddulph, R.
Blackstone, W. S.
Bolling, W.
Bonham, R. Francis
Borthwick, Peter
Bowles, G. R.
Bradshaw, James
Bramston, T. W.
Brownrigg, S.
Bruce, Lord E.
Buller, Edward
Buller, Sir J.
Byng, George
Campbell, Sir J.
Chandos, Marquess of
Chetwynd, Captain
Chichester, Arthur
Clerk, Sir G.
Clive, hon. R. H.
Codrington, C. W.
Codrington, Sir E.
Colborne, N. W.
Cole, Visc.
Compton, H. C.
Coote, Sir C.
Copeland, W. C.
Corry, hon. H.
Cripps, J.
Dalbiac, Sir C.
Dalmeny, Lord
Dick, Quintin
Donkin, Sir R.
Duffield, Thomas
Dunbar, G.
Duncombe, hon. W.
Duncombe, hon. A.
Dundas, hon. T.
Dundas, J. D.
Eastnor, Visc.
Eaton, R. J.
Egerton, Lord F.
Elley, Sir John
Ferguson, George
Fergusson, R. C.
Fielden, William
Finch, George
Follett, Sir W.
Forbes, William
Forster, hon. G.
Forster, Charles S.
Gladstone, T.
Gladstone, Wm. E.
Gordon, Robert
Gordon, hon. Captain
Goulburn, rt. hon. H.
Goulburn, Sergeant
Graham, rt. hon. Sir J.
Grant, hon. Col.
Green, T.
Grey, Sir George
Grimston, Visc.
Grimston, hon. E. H.
Hamilton, Lord C.
Hanmer, Henry
Harcourt, G. S.
Hardinge, Sir H.
Hay, Sir Andrew L.
Herries, right hon. J.
Hillsborough, Earl of
Hope, James
Hotham, Lord
Houldsworth, T.
Houstoun, George
Howard, Philip H.
Howick, Viscount
Inglis, Sir R. H.
Jermyn, Earl
Jones, Wilson
Jones, Theobald
Kerrison, Sir Edw.
Kirk, P.
Knight, H. Gally
Labouchere, H.
Law, hon. Charles E.
Lawson, Andrew
Lees, John P.
Lefevre, Charles S.
Lennox, Lord G.
Lennox, Lord A.
Leveson, Lord
Lewis, David
Lowther, J. H.
Lygon, General
Mackinnon, W. A.
Maclean, Donald
Mahon, Visc.
Maule, hon. F.
Morpeth, Viscount
Norreys, Lord
Ossulston, Lord
Paget, Frederick
Palmer, Robert
Palmer, George
Palmerston, Visc.
Parker, John
Patten, J. W.
Pechell, Captain
Peel, rt. hon. Sir R.
Peel, Jonathan
Percival, Colonel
Polhill, F.
Pollock, Sir F.
Powell, Col.
Price, S. G.
Rice, rt. hon. T. S.
Richards, Richard
Rickford, W.
Rolfe, Sir Robert M.
Ross, Charles
Russell, Charles
Russell, Lord John
Sanderson, R.
Sandon, Viscount
Scarlett, hon. R.
Scott, Sir E. D.
Seymour, Lord
Sharpe, General
Sheppard, Thomas
Shirley, E. J.
Sibthorp, Col.
Smith, R. V.
Somerset, Lord G.
Speirs, A.
Stanley, E. J.
Stanley, Edward
Stewart, John
Stewart, V.
Sturt, H. C.
Thomas, Colonel
Townley, R. G.
Troubridge, Sir T.
Twiss, Horace
Vere, Sir C. B.
Wilbraham, hon. B.
Wilde, Sergeant
Williams, Robert
Williamson, Sir H.
Winnington, H.
Wood, Colonel T.
Wynn, rt. hon. C. W.
Yorke, E. T.
Young, George F.
Young, J.
Young, Sir W.

TELLERS.

Steuart, R.
Wood, Charles

List of the NOES.

Aglionby, H. A.
Bagshaw, John
Barnard, Edward G.
Bellew, R. M.
Bewes, T.
Blunt, Sir C.
Bowes, John
Brady, Denis C.
Bridgman, Hewitt
Brodie, W. B.
Brotherton, J.
Buller Charles
Bulwer, Edw. L.
Bulwer, H. L.
Butler, hon. P.
Chalmers, P.
Chapman, M. L.
Chichester, J. P.
Collins, William
D'Eyncourt, C. T.
Duncombe, Thomas
Elphinstone, H.
Etwall, R.
Ewart, W.
Farrant, Robert
Fort, John
Freshfield, J. W.
Gillon, Wm. Downe
Goring, H. D.
Grote, George
Hall, B.
Harvey, D. W.
Hastie, Archibald
Hindley, C.
Hume, J.
Humphery, J.
Hutt, W.
Johnston, Andrew
Leader, John
Lennard, T B.
Lynch, Andrew H.
Macnamara, Major
Molesworth, Sir W.
Morrison, J.
Pattison, James
Pease, Joseph
Philips, Mark
Poulter, John Sayer
Ramsbottom, J.
Richards, John
Robinson, G. R.
Roche, Wm.
Ruthven, Edward
Smith, Benjamin
Stuart, Lord D.
Strickland, Sir G.
Talfourd, Sergeant
Tancred, H. W.
Thompson, Ald.
Thompson, Colonel
Thornley, T.
Trevor, hon. A.
Tulk, C. A.
Villiers, Charles P.

Walker, R.
Warburton, H.
Wason, Rigby
Whalley, Sir S.
Wilks, J.
Williams, William
Wilmot, Sir J. F.
Wood, Alderman

TELLERS.
Fancourt, Major
Boldero, Henry Geo.

PAIRED OFF.

For the Motion.	Against.
W. Tooke.	C. Baring Wall.

The Mutiny Bill went through Committee.

NAVY ESTIMATES.] The House in a Committee of Supply on the Navy Estimates. Several votes were agreed to.

On a vote being proposed of 359,827*l.* for naval stores,

Mr. *George F. Young* declared, that he could not suffer this vote to be taken without expressing his objection to the present system by which the Government obtained their English oak for ship-building. It ought to be supplied by open competition and public contract.

Mr. *Charles Wood* observed, that the supply of timber was open to competition.

Mr. *George F. Young* was glad to hear that such was the case, and therefore he would not repeat his objection to the present system, but he must express his objections to the system of suffering ships to rot in ordinary, while new ships were being built by way of experiment. He had seen with his own eyes, within the last fortnight, a 74-gun ship, which cost 60,000*l.* or 70,000*l.* building, which had been sold within the last few months for 6,000*l.*, although she was in a state of as perfect soundness as any ship could be that was just launched. The ship to which he referred, was the Scarborough. He was informed, that she had been sold out of the service, in consequence of her not possessing some particular qualities which it was conceived his Majesty's ships ought to possess; yet ships were building still. Since the present surveyor of the Navy (Sir W. Symonds) had filled that office, upwards of half a million of money had been spent in constructing ships upon his plan, and we were suffering ships built by former surveyors to rot in ordinary in the meantime, while other naval constructors, Captain Hayes and Admiral Elliott, were also building ships on their individual plans, in order that it might be decided whose plan was the best. Now, the Government ought, by this time, to have determined either that Sir W. Symonds's plan was the best, or that it was not. If it was, why should they go on trying experiments? He trusted that he had shown that a *primâ facie* case for investigation existed, and when an opportunity arose, he should certainly move for a Committee of Inquiry, which he hoped would be granted. He could not allow this vote to pass without entering his protest against the lavish expenditure of the public money in building new ships when old ships were rotting in ordinary.

Mr. *Charles Wood* said, that if when the hon. Member brought forward his motion, he would give him the particulars of the information he required, he would be prepared to assent to the returns, or to show such reasons for refusing them as he had no doubt would be satisfactory to the House. The first point to which the hon. Member had referred, was the expense incurred in building ships on the plan of Sir W. Symonds. The hon. Member had brought a charge against Sir W. Symonds on that ground.

Mr. *George F. Young:* I brought no charge at all against Sir W. Symonds on the score of his plan causing greater expense than that of others.

Mr. *Charles Wood* would turn, then, to the next point which the hon. Member had made the object of his assault. He had said, that ships had been sold and broken up which were in a sound and seaworthy state. Now, he held in his hand, a report of a survey of the Scarborough, and from that it appeared that it was not possible that she could be sent to sea without undergoing repairs which would cost more than building a new ship. He might further state, with reference to the charge of building more ships than were wanted, that no ships were now building, nor had been built for the last two years, except small vessels or steamers. All the alterations referred to by the hon. Gentleman had been made before Sir W. Symonds was surveyor of the Navy.

Mr. *George F. Young* remarked, that the hon. Gentleman was perfectly incorrect in his statements. He had himself seen the Boscawen in the state in which she was originally built, and knew that she had undergone great alterations since Sir W. Symonds held his present office. With regard to the Scarborough, he took on himself to state, in spite of surveys, that she was as sound as a vessel could be. He asserted, that within the last fortnight he had seen her, from stem to stern, cut down in such a manner that every timber was to be seen. A surveyor of the navy ought to be practically acquainted with his profession—and ought to have been brought up as a shipwright. But when a naval officer was appointed to such an office, he must perforce see, not with his own eyes, but through the eyes of others.

Mr. *Charles Wood* reiterated his former statement respecting the repairs of the Boscawen, and confirmed it by reading the return of the repairs and the alterations made in that ship from 1810 to 1819. The report on the state of the Scarborough was made to the Admiralty through the surveyor by a scientific shipwright, who had seen the vessel, as the hon. Member said it should be seen, with his own eyes.

Admiral *Adam* said, that though the upper part of the Scarborough might be in a sound state, he had no doubt that it would be found upon further examination that her bottom was quite unsound. He was quite convinced, from examination, of the general correctness of the reports sent in by the surveyor of the navy.

Captain *Pechell* also contended, that in this case the surveyor had done his duty, and that the ship was wholly unfit to remain in his Majesty's service. Whilst on his legs, he would take the liberty of asking the Secretary for the Admiralty whether a statement which had recently appeared in the public papers respecting the capabilities of the Vernon, and which purported to be signed by a number of her officers, was an official statement? It was an unusual course for the officers of one of his Majesty's ships of war to express an opinion publicly respecting the merits of the ship in which they sailed. But if that course were correct, and if officers were to be permitted to express opinions favourable to their ship, he trusted that they would also be permitted to express opinions, when they felt them, unfavourable to their ship. The gallant Officer read an advertisement stating the excellent sailing qualities of the Vernon, signed by a number of her lieutenants and six midshipmen. Now, was that statement official or not? If it were official, and it were held correct for his Majesty's naval officers to make such a statement, then in case he were again put in command of such a frigate as he had once commanded, he should feel himself at liberty to express, and allow his officers to express, their disapprobation of donkey or jackass frigates.

Mr. *Charles Wood* said, that he had just as much knowledge of the statement to which the hon. and gallant Officer referred, as the hon. and gallant Officer had himself, and no more.

Mr. *George F. Young* had no doubt that the officers of the Barham would have given the same favourable opinion of that ship that the officers of the Vernon had given of theirs, had they not been a little more discreet than the officers of their rival vessel.

Mr. *Hume* considered the House entitled to have a fuller account than it had at present, of the number of ships in ordinary and in building, before the present vote was agreed to. He would take that opportunity of observing, that the right hon. Member for Cumberland had taken an unwise step in putting down, as he had done, the School of Naval Architecture, which had existed for more than twenty-eight years. Those who came after the present generation, would have cause to regret the mischief done to the naval service by the suppression of that school.

Sir *James Graham* remarked, that he had on a former occasion, when he was in office, shown, from official documents, that from the time of William 3rd down to the time when he was speaking, there was never a smaller number of ships in ordinary in time of peace than now. With respect to the suppression of the School of Naval Architecture, he begged to console the hon. Member for Middlesex by assuring him, that if any mischief arose from that measure, it must be very distant, as there were many gentlemen who had been educated in that school, now in the dockyards, who were capable, if they were elevated to the situation, of fulfilling the duty of surveyor of the navy. He would now avail himself of the opportunity to ask the Secretary of the Admiralty a question respecting the suppression of the Naval College. He thought that the decision to which the Admiralty had come on that subject, was, upon the whole, a wise one. It was necessary, however, to consider how the naval youth were in future to be educated, to whom the honour of the British flag and the lives of British seamen were to be confided. He had himself unquestionably contemplated the suppression of the Naval College; but, contemplating that measure, he had always felt the importance of framing some scheme of naval education to be adopted in its stead. He was of opinion that that scheme ought to blend both the theory and the practice of managing ships, and being of that opinion, he also thought that the cock-pit of a man of war would be the best school for carrying that scheme into execution. It appeared to him to be expedient, that in every man of war, except they were small craft indeed, there should be a schoolmaster appointed, after a stringent examination into his qualifications for the situation, and that he should be paid liberally in order to ensure the services of persons properly qualified. He thought that by the instrumentality of such schoolmasters, an uniform system of education might be introduced into the navy. He would now ask whether that subject had been taken into consideration by his Majesty's Government. He had no doubt that it had, and he therefore expected to receive a satisfactory reply from the Secretary to the Admiralty.

Mr. *C. Wood* observed, that two questions had been asked. The first question related to the number of ships which were at that time building in the dockyards. To that question he should reply by stating, that there were at present seven line-of-battle-ships building, the same number of frigates of the first class, nine of smaller dimensions, together with three armed steam-vessels. The second question related to the system of naval education, and to that question he should reply by stating, that the Government had considered a plan for the future education of the navy. The Admiralty were of opinion, that a better education would be given to our naval youth by blending their scientific education with that general system of education which it was desirable that every gentleman who entered the navy should possess. They had, therefore, decided, that to every ship of war there should be attached a competent schoolmaster, with an adequate salary, and that he should be well qualified for his duties, by being taken either from an English or a Scotch university. They had in consequence obtained an order of Council, raising the pay of all schoolmasters in the naval service to the amount given at present to a schoolmaster in a first-rate. The Admiralty likewise proposed, that as each youngster now paid a certain sum to the schoolmaster, and as all who had been at the Naval College paid certain fees for the instruction which they received there, the schoolmaster on board of our ships of war should, in future, receive *5l.* a-year from all persons who received his instruction. This regulation would enable them to pay the schoolmasters salaries varying from 160*l.* to 300*l.* a-year. Another regulation, which it was intended to make, was, that there should not be a greater number of schoolmasters appointed than we had ships in commission. The Admiralty were at present considering the best mode of examining into the qualifications of the future naval schoolmasters. Though he could not state, at that moment, the precise nature of the qualifications which the naval schoolmasters would be required to possess, or of the examination to which they would be subjected as a test of those qualifications, he hoped that he should, in a very short time, be able to make a statement on both points which would be satisfactory to the House and to the public.

Sir *James Graham* observed, that what had just fallen from the hon. Secretary of the Admiralty, appeared to him to be in the main, most satisfactory. He thought that there should be one definite and uniform system of naval education, which the qualified schoolmasters should all be bound to teach. In a matter of such importance to our naval service, there should be no stickling about such paltry economy as the saving of 50*l.* or 60*l.* in the salaries of the schoolmaster.

Admiral *Adam* had only one observation to make to those which had fallen from his hon. Friend, the Secretary for the Admiralty. It was intended that the schoolmaster should have a separate cabin, and should mess with the other officers.

Sir *E. Codrington* said, that he had himself been a midshipman eight or nine years, and during that time he had never been asked either to read or write, and had never received any instruction from any officer. He was happy to state, that that system of keeping young men in almost brutal ignorance no longer prevailed in our naval service. In all the ships which he had had the honour to command, he had always managed that there should be a competent schoolmaster. He had himself promised the schoolmaster a certain sum, and by making those young men, whose parents could afford it, contribute to the education of those whose parents could not, he had always realised for the schoolmaster a decent income. Now that Government had taken up the plan of naval education, it would not do to starve the schoolmaster. The Admiralty must get men duly qualified for the office, and must pay them in such a manner as would cause them to be respected, not only by the young men under their tuition, but also by the officers generally.

Mr. *George F. Young* recommended the Admiralty to turn more of its attention to the building and equipment of armed steam-vessels. The steam-vessels belonging to our naval service were much inferior to those built by private enterprise. It was also to be lamented that our naval architects were in general so inferior to those of other countries. Sir William Symonds had printed a book upon the subject, of which he was now, in all probability, ashamed, as the merest tyro in hydrodynamics must see that he violated in it every principle of that science.

Mr. *Hume* suggested, that Government should pay more attention to the building of steam-vessels of war, instead of those old-fashioned men-of-war which would not be found half so effective.

Sir *E. Codrington* said, that if steam-boats were built, and had to carry coals sufficient for steam, they could not at the same time carry men, and their necessary provisions; so that, in fact, a navy of steam-vessels would, for the purposes of war, be no navy at all. No Ministry would dare leave the country trusting to such a navy.

Vote agreed to.

On the question that a sum not exceeding 810,771*l.* be granted for the charge of half-pay to officers in the navy.

Sir *E. Codrington* spoke as follows*:—Sir, In the discussion on the Navy Estimates some days ago, I had proposed to call the attention of the Committee to the subject of the pay and half-pay of the different ranks of naval officers. I postponed then doing so at the request of the Secretary to the Admiralty, upon condition that I should have an opportunity, on a future stage of the proceedings. I consider this to be the proper occasion; and, notwithstanding the lateness of the hour, and the thinness of the House, I am now ready to proceed, or move that you report progress, according to the wish of the House. Sir, I will first call the attention of the House to the pay of the admirals. The pay of an admiral, commanding in chief, is 1,825*l.* exclusive of table-money.

Sir, an admiral going to the Mediterranean, for example, and having a house appointed for his residence at Malta, is in a situation to receive the visits of foreigners of all nations, and of the highest distinction, quite upon the footing of an ambassador; and fully to represent the country in that character, must necessarily keep a sort of open house. Now, I ask hon. Members, whether the sum allotted to him is not very inadequate to the purpose, and whether he ought not to have an income more in proportion to other public functionaries so situated. Well, but it will be said, he has an additional allowance of 3*l.* a-day as table-money; but let us see how far that is equivalent to his expenses on that account. Even if it is equal to that for which it is rigidly calculated of keeping his table when at sea, I beg the House to understand, that it is not given to him until he arrive within the precincts of his command, although he must necessarily keep his table from the time of his hoisting his flag; whilst it is withheld from him at the period of his return from the moment of his passing that boundary line. I may instance what happened to myself. The ship which bore my flag, when returning from the Mediterranean, having passed Cape St. Vincent, my table-money ceased; and yet, from contrary winds, we were driven back within the line again for about a week, and this shows the injustice of such a regulation. But now, it is to be observed, that no other admiral, not being a commander-in-chief, is allowed table-money at all, although he is equally bound with his chief, by custom and propriety, to invite to his table, daily, a considerable proportion of his officers.

The pay of vice-admirals is 1,460*l.*, and the pay of rear-admirals is 1,095*l.*, and the half pay of the three ranks severally is, admirals 766*l.* 10*s.*;—vice-admirals 593*l.* 2*s.* 6*d.*; rear-admirals 456*l.* 5*s.*

Now, Sir, I have before asserted in this House, and I now repeat it, and call upon hon. Members themselves to verify the facts by a reference to the Returns before the House, that persons in other departments of very inferior rank, and of very inferior services comparatively, are permitted to retire after less than half the time of servitude, and with more than double the amount of retirement, whether as pension or superannuation, than is given as half pay to the most distinguished officers in the naval service.

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* From a corrected Report.

Now, Sir, I come to the captains, whose full pay varies according to the size of their ships, from 799*l.* 19*s.* 2*d.* to 350*l.* 0*s.* 2*d.* It may be very true, that those to whom the larger sum is allotted, can afford to serve upon it, but it will not enable them to lay by any thing for their families; and as to the others, I am sure hon. Members will see how entirely inadequate it is to their support; in fact, some of our most rising officers who have not private fortunes, have declined service in time of peace on that account; for, be it observed, no captain is ever allowed table-money, although he is equally called upon with his superiors to keep a table for his officers when at sea.—With respect, Sir, to the commanders, I will only at present add, that what I have said of the inferiority of the pay and half pay of the captains, is equally applicable to them.

I now come to the lieutenants, a class which requires the benevolent consideration of the country. The half pay allotted to them when not on service is 5*s.* a-day, and the temptation held out to them for going to sea is 1*s.* 6*d.*, and in some cases 2*s.*; and I ask hon. Members whether they consider that a sufficient sum to induce them voluntarily to quit their families, to be at a great expense for their outfit, besides paying from 24*l.* to 30*l.* a-year towards their mess. But there is one hardship which seems to me peculiar to this class, and to which I beg to call the attention of the House. By an Order in Council, or some other such regulation, 300 of those at the top of the list are allotted a half pay of 7*s.* a day, then the 700 next in seniority have 6*s.* a day, the remainder having 5*s.* a day. Some time ago a certain number of those receiving 7*s.* were removed to the list of commanders, and yet they are so far considered still as lieutenants, that none of the latter have been removed upwards to supply their place. Now, if the wording of this authority, whatever it may be, points out that 300 lieutenants at the head of the list shall receive 7*s.* a day, it appears to me, the Admiral y have no choice but to grant the boon; and if the hon. Secretary below me disputes the ground upon which I make this claim, I hope he will enable hon. Members to judge for themselves, by producing the documents referred to.

A short time ago, when the subject of the marines was brought before the House by the noble Lord, the Member for Sussex, there was an unanimous feeling in the House in favour of ameliorating their condition. In that desire no one joins more cordially than myself; therefore, it is not with a view of pointing out any thing to their disadvantage, that I call the attention of hon. Members to the comparative injustice done to naval lieutenants by the fact, that whilst the captain of marines being the inferior officer, and having much less to do on board, and no night watches to keep, receives 10*s.* a day, the lieutenant, being his superior officer, is limited to 6*s.* 6*d.* or 7*s.* a-day.

The next class I come to is the masters, a class in which promotion is much more limited than in any other, although one of the most valuable in the service. Their pay varies according to the size of the ship, as will be seen by the estimates, from 9*s.* 3*d.* a day to 5*s.* 5*d.*, which is by no means equivalent to the services they perform. As an instance of the unfair treatment they meet with, I may inform the House, that I myself was at the head of a Committee which, on account of many of our warrant officers being unable to keep their own accounts correctly, recommended the stores under their care being placed under the more direct charge of the master. On this account the masters were allotted a small addition to their pay; and will the House believe that this sum has since been taken from them. I hear it said by an hon. Member, that the charge is taken away also; but I appeal to the gallant Officers below me, when I say, that the master is not less in charge of the stores than he was then; that he is responsible for the proper expenditure of every thing, and that he cannot get a farthing of his pay, unless upon minute examination, every such expenditure is justified and approved of.

But, Sir, I will refer to the situation of the junior officers of this class, to show how illiberally they are treated. The half pay of masters of sloops of war is 5*s.* a day; and what will the House believe is the sum added to it as full pay when he is sent upon service. The addition to his half pay on this occasion is fivepence a day. Sir, the House will hardly believe it possible that this is the fact; and I therefore beg to refer them to the estimates, where they will find a proof of it. But I beg leave further to inform them, that upon being so sent upon service, he is called upon to furnish himself with books and instruments for the performance of his duty, which will cost him about 40*l.*; and that being obliged to provide himself with uniforms expensively ornamented with gold lace, epaulettes, &c., in addition to linen and so forth, his outfit for a three years' foreign station, cannot cost him less than from 120*l.* to 130*l.*, and for this sum of somewhere about 170*l.*, the Admiralty advance him one quarter's salary of 23*l.* as a loan. Under these circumstances, he is obliged to borrow the greater part of this sum of his agent, or perhaps his tailor, giving him his power of attorney over all his future means of subsistence. Well, Sir, and if the vessel in which he is embarked should unfortunately be wrecked before her return home, he is not allowed any thing whatever for his losses; and to finish his misfortunes, in the event of his taking up his half pay on his return, to save himself, and perhaps his family from starving, he is subject, by the representation of his agent, to be scratched off the list, and deprived of his half pay altogether.

The next class I come to is the surgeons. I have, on a former occasion, adverted to the little encouragement given to this important class of the naval service; and, therefore, merely referring hon. Members to the amount of their pay as stated in the estimates before them, I will call their attention to a simple statement of the injustice done to this class as compared with the same class in the army.

Assistant surgeons of the army have more half pay after twenty-five years' service than surgeons of the navy after twenty-nine years and eleven months.

Since 1815, a hundred medical officers of the army have been promoted to ranks higher than regimental surgeons, entitling them to higher half pay, while only one surgeon of the navy has, in that long time, been promoted to any higher rank giving him any increased half pay.

All the time of assistant surgeons in the army is permitted to be reckoned, while only three years is allowed to be reckoned by assistant surgeons of the navy, however long they may serve; and though the army assistant gets 7*s.* a day after twenty-five year's service, the navy assistant, if he serve fifty years, can only have 3*s.* a day.

As an instance of the severity to which naval surgeons are further subject, I must take leave to repeat a case which I have before mentioned to this House, and which did not then seem to attract the notice to which I think it entitled. In 1818, Mr. Beverley was appointed assistant surgeon to the Isabella, commanded by Captain Ross, and went in her on the polar expedition. On their return, he was appointed to the Griper, Lieutenant Lidden, and went the Melville Island voyage with Captain Parry, acting as surgeon. On their return he was confirmed as surgeon. He declined the proposal of going a third time on account of his being married, and set up in business by Mr. Abernethie. He was then (consequently) ordered to the coast of Africa, and, upon his refusal, he was scratched off the list, and deprived of his half pay. Upon being offered to be reinstated, as a condition, he went for the third time on the Spitzbergen voyage with Captain Parry. On his return, and being reinstated, he was again ordered to the coast of Africa; and upon his declining, on account of health, being at the time afflicted with ophthalmia, a disease likely to be increased by that climate, he was again scratched off the list of surgeons, and deprived of his hard-earned stipend. Now, compare this with the irregular promotion of the surgeon who lately accompanied Captain Ross on one such polar expedition, without having ever served in the navy.

On the condition of the pursers I have troubled the House before on more than one occasion, but I find it impossible to pass it over this time without again adverting to it. An hon. Member below me observes, that they have lately had an addition to their half-pay. Yes, Sir, so they have; but it is out of their own pockets. The fact is, that contemplating the miserable situation to which the greater portion of them are reduced, those more fortunate ones who might be in the way of acquiring the emoluments accruing to them from employment in the service, agreed to devote a portion of those emoluments to the support of their less fortunate brethren; and, unwilling as I am to detain the House at this late hour, I will not go into the particulars of the hardships they are exposed to, and which I have so fully detailed on a former occasion; but I cannot quit this subject without adverting to the condition of that portion of them who have been admiral's secretaries. Sir, the secretary of an admiral commanding in chief is necessarily intrusted with those confidential and important documents which are transmitted to him through the Secretary of the Admiralty; and let hon. Gentlemen compare the different rewards bestowed on them for their services. Even the present Under-Secretary of the admiralty, who has enjoyed a salary of 1,500*l.* a-year for a considerable number of years, is to retire with a pension of 1,000*l.* a-year whenever he may think proper so to do. Sir, I mention these circumstances to show the comparative injustice done to the officers of the navy in all instances as compared with the civil department of the Government, and I cannot help repeating a request I have before made, that hon. Gentlemen will refer to the returns before the House, of pensions, retirements, and superannuations, to verify the assertion which I now again make, that they will there find persons of secondary or inferior rank allotted sums for less than half their period of servitude, and more than double in amount to that given to the most distinguished officers in the navy, theirs too being admitted to be a vested right, whilst ours has in this House been called a mere retaining fee. Moreover, if an officer in the navy, after a period of thirty or forty years' servitude should enter the civil department, he only then begins to entitle himself to a pension; excluding from all consideration all his previous services in the profession, however arduous and distinguished they may have been. Now, I ask the House, Sir, is this fair, is it just, is it reasonable?

I have, on a former occasion, when alluding to this subject, given the instances of several distinguished officers of the profession. I will now merely advert to that of Mr. Jackson, the late master attendant at Devonport, who, originally pressed into the service, a d having risen by his merits to the highest departments in the line of master and master attendant, has been limited to a superannuation of 433*l.* a-year on account of his civil servitude; to the exclusion of his more brilliant services in the difficult and dangerous part of his naval duties.

Another case is that of rear-admiral Sir Robert Barlow, who having risen entirely by his merits, and having distinguished himself by long, eminent, and important services, took the situation of a Commissioner of the Navy, even in time of war, in order to make some provision for a numerous family. The result is, Sir, that by so doing he has obtained a retirement of 105*l.* 15*s.* a-year more than he would have had if he had continued to serve at sea in the arduous duties of the profession, and separated perhaps from his family for years together.

When claims are made for justice to the navy, the requisite attention to economy is appealed to as a ground of refusal. Now, I will give one instance to show how far this system is observed when any political object interferes with it. The present admiral Sir C. Boyle, unable to continue his distinguished services at sea, had long held the office of Commissioner of the Navy, where he executed his duties with great zeal and ability, and with an intimate knowledge of that department of the service. Well, Sir, he was forced to retire against his wish, upon a reduction taking place, preference being given to his junior colleague Mr. Dundas: I do not mean to doubt that Mr. Dundas may be fully as efficient as Sir C. Boyle, but I mention this case as an instance of a distinguished naval officer having been forced to retire against his will, to make way for a gentleman whose services were confined to a less period, and solely in the civil department of the Navy; and this was done at an expense to the country of 955*l.* a-year.

Now, Sir, in charities the same thing prevails; always injustice to the navy. I have before mentioned the case of Miss Hawkey; but as little notice was then taken of it, I will take the liberty of repeating it on the present occasion. Miss Charlotte Hawkey, the sister of five brothers deceased, one of which a captain in the navy, left three orphan children to her care, did not receive one farthing from Government until her case became known to his present Majesty as Lord High Admiral, when he granted her 50*l.* a year. The first of her brothers died exploring the river Congo under Captain Tuckey. He had been taken prisoner in the Minerva frigate, when serving with Sir J. Brenton, and he was confined eleven years as a prisoner; a most active and intelligent officer. The second, whilst in a command, was killed in successful battle;

the third died from severe wounds on arduous boat service: the fourth, after having distinguished himself in a gun boat at Walcheren, and in capturing a fort in the Island of Borneo, fell a victim to the climate, leaving the three orphans I have before mentioned. The fifth brother saved the Astell East Indiaman which he commanded in battle with a superior French force, although severely wounded; he died shortly afterwards.

Now, let hon. Gentlemen compare the claims of this family and the rewards given to those claims with others on the Pension List.

But, Sir, I have a later case which I will detail to the House. Lieutenant Church was lost, with the whole crew, in his Majesty's packet Thais, with two sons. His widow was at first allotted 60*l.* a-year pension for herself and eight remaining children. But in March last she received a letter from the Admiralty, stating, that as her pension exceeded the amount of her late husband's pay, the Board found it necessary to exclude two of her children's names, and to diminish her pension by 36*l.* 10*s.*; more than half of the sum first allotted to her.

I do not address myself to the gallant Officers and hon. Secretary, members of the Board of Admiralty, for I am sure, as far as their power goes, I should have their hearty co-operation;—but I address myself to the Members of this House (and I hope through them to the country in general,) and I trust, that by voting a larger sum to be devoted to these charities, they will enable more justice to be done to this unfortunate class of persons. Only let hon. Gentlemen consider the cruelty of depriving this unfortunate widow and her eight remaining children of 36*l.* 10*s.* out of a pittance of 60*l.* granted to her in alleviation of the severe misfortune of losing her husband and two sons in the execution of their arduous duty, for want of a sufficient sum to devote to so laudable a purpose without injury to the claims of others upon the limited fund granted for such purposes.

I cannot conclude the address which I am now making to the benevolent consideration of the hon. Members who have done me the kindness to listen to me with so much patient attention, without requesting that they will compare the condition and remuneration of officers of the naval service with the emoluments and retirements of other branches of the public service. Without going extensively into this subject at this late hour, I may refer to a gentleman, who, for having been thirty-three years a Commissioner of the Navy at a salary of 1,000*l.* a-year, and a house to reside in with his family, with other advantages, retires with a pension of 750*l.* a-year, whilst officers of the navy, having attained the rank of full Admiral, after a servitude of from fifty-five to sixty-five years, have no more than 766*l.* 10*s.* The hon. Secretary below me, if he should remain five years in his present situation, will be entitled to a retirement of 1,500*l.* a-year; and even the Under-Secretary, as I have before mentioned, will be entitled to 1,000*l.* a-year upon his retirement. However, I will not pursue that part of the subject now further than to repeat, that, by a reference to the returns now before the House, hon. Members will find that there is no branch of the civil department of the public service from which persons, inferior in rank, are not allowed to retire with less than half the period of servitude, and more than double the amount of stipend than is given to the most distinguished officers of his Majesty's service.

The vote agreed to.

HOUSE OF LORDS,

Monday, April 10, 1837.

Minutes.] Petitions presented. By the Duke of Wellington and other Noble Lords, from Grantham and other places, against Abolition of Church-rates.—By Lord Brougham and other Noble Lords, from various places, for the Abolition of Church-rates.—By the Marquess of Lansdowne, from Dwygyfylchi, that no Clergyman unacquainted with the Welsh Language may be appointed to Welsh Bishoprics.—By the Earl of Falmouth, from Weymouth and Melcombe Regis, that the House will withstand all attempts to interfere with its Rights, Independences, and Privileges.—By the Bishop of Ely, from the Isle of Ely, for Alteration of Poor-law Amendment Act, relating to remuneration of Medical Men for Attendance on the Poor.—By the Marquess of Downshire, from Carrickfergus, against the National Board of Education (Ireland).

HOUSE OF COMMONS,

Monday, April 10, 1837.

Minutes.] Bills. Read a first time:—Forgery; Offences against the Person; Robbery and Stealing from the Person; Burglary and Stealing in a Dwelling-house; Piracy; Burning or Destroying Buildings and Ships; Punishment of Death; Transportation for Life; Pillory Punishment, Abolition.

Petitions presented. By Mr. H. Grattan, from Kiltubride, Ballinamore, Clone, Castle Town, Delvin, and Killulagh, for Municipal Corporations Bill; Ballot; and Abolition of Tithes (Ireland).

West London Cemetery Company.] Mr. Harvey brought up the

Report on the West London Cemetery Bill.

Mr. *Gally Knight* felt extreme objections to this measure on account of the inadequacy of the compensation proposed to be given to such of the clergy as would be affected by the Bill. He was quite sure that the House would not allow the clergy to be deprived of so considerable a portion of their income as was derived from mortuary fees. Under the circumstances of the case it was his intention to press for the re-commitment of the Report, with a view to obtain some more fair compensation for the clergy.

Mr. *Wakley* said, it was monstrous that after this Bill had gone leisurely through all its stages, the parties to it should now be put to the expense of going back again before the Committee. The fees in the Bill were in exact accordance with those introduced into two other similar Bills which had passed that House, and received the sanction of the right rev. Prelates in the other House.

Mr. *A. Trevor* was opposed to the Bill as it stood at present because he wished to see the interests of the clergy respected.

Mr. *Harvey* supported the Bill, and said that the question was, whether the clergymen at the west end of the town were entitled to a higher rate of fees than those at the other parts of the town? There were already three Cemetery Bills in connexion with the metropolis, that had passed into law, namely—the Northern Cemetery, the Southern Cemetery, and the Eastern Cemetery: under all these Acts the fees paid to the clergyman were 20*s.* and 5*s.* Now was it because this Bill would apply to the west end of London that the clergyman should have a fashionable fee? If so let it be put on its right footing. He had no objection to a graduated scale by which the wealthy man should pay more for his resting place than the poor, but as he did not apprehend this was contemplated by hon. Members, he saw no reason why the clergyman under this Bill was to be placed in a better position than the clergyman under the Bills to which he had already referred. The clergy had placed themselves in opposition to the erection of Cemeteries unless certain terms were complied with, and knowing that they could have the aid of the bench of bishops in the other House, the parties interested in the Bills were obliged to comply with them; but a manifest injustice was done to the public from the terms thus imposed, and the injustice was this. If any person was interred in these Cemeteries from another parish, there must be paid to the clergyman of the parish out of which the body came, for interment in a vault, 20*s.*, and if in a grave, 5*s.* So that if a body came from Edinburgh or Bath there must be an account current opened at the Cemetery with the clergymen of these places, and indeed with every parish in the country, in respect to the fees due to the clergymen connected with these parishes, on account of the persons interred in these Cemeteries. In fact the parsons were setting up a sort of vested right in the dead. Strange that men so opposed to reform should be such strong advocates of innovation. By this sort of clerical contrivance, they had obtained a fee to which they were not entitled—a fee which should be called the bishops' bounty fee, as it was obtained by their power and influence. But he trusted the House would discountenance any further encroachment, and allow the Bill to proceed.

Sir *R. Inglis* observed that the question was, not what had been allowed in other cases, but what had been the average charges in the parishes about to be affected.

Mr. *Hume* expressed his hope that the House would allow the Bill to go on another stage.

Mr. *G. Knight* said he would not press his amendment.

Report agreed to.

DISTRESS IN SCOTLAND.] Mr. *Hume* begged leave to ask the right hon. the Chancellor of the Exchequer whether it was true, as had been reported, that his Majesty's Government had agreed to contribute towards the relief of the distress prevailing in the north of Scotland?

The *Chancellor of the Exchequer* said, that he did not like to answer questions of that nature prematurely; and he was sure his hon. Friend, the Member for Middlesex, would allow that if there ever was a subject which required to be treated with more discretion than another, it was that to which the question he had just put referred. However, as the question had been put, he would answer it; and if the answer was not as full as his hon. Friend might wish, his hon. Friend must impute it to the cause to which he (the Chancellor of the Exchequer) had just adverted. What the reports on the subject were he did not know; but it was certainly true that, about a month ago, his Majesty's Government were made aware of the fact that great distress existed in certain parts of Scotland. They were also told at the same time that great efforts were making in Scotland to alleviate the distress; that committees had been formed in Edinburgh and Glasgow for that purpose; and that considerable subscriptions had consequently been raised; but that the pressure was still so great that public assistance was absolutely necessary. Under these circumstances his Majesty's Government had thought it their duty to institute a full inquiry into all the circumstances upon the spot, and to send to Scotland for that purpose some responsible individual, some person of experience, and in whom implicit confidence could be placed. That valuable officer of the public, Sir John Hill, was selected for the mission; and he was authorised to place himself in communication with the committees, and to afford aid in extreme cases, dependent, however, entirely upon the amount of subscriptions, and upon local benevolence and assistance. He could go into no further explanation at present; and he hoped no further discussion would at present be provoked, as it might lead to the most injurious consequences; but if, at a fitting time, the hon. Member for Middlesex, or any other hon. Gentleman, should think proper to bring the subject under the consideration of the House, he should be perfectly prepared to defend the conduct which had been pursued by his Majesty's Government.

Mr. *Hume* allowed, that if Parliament had not been sitting, his Majesty's Government would have been justified in taking the course which they had taken; but, during the sitting of Parliament, he did not think there was the slightest ground for such a proceeding. The House ought to have had notice of the transaction before the public money was appropriated to such a purpose. He hoped the right hon. Gentleman would take an early opportunity of laying on the table of the House the documents which, in his (the Chancellor of the Exchequer's) opinion, warranted the step which had been taken by his Majesty's Government.

The *Chancellor of the Exchequer* stated, that on the whole his Majesty's Government thought they had done as much as they ought on the subject. Adverting to the observations which had been made by the hon. Member for Middlesex on the conduct of his Majesty's Government in sending relief to the distressed districts of Scotland, he denied that they had acted in any way contrary to usage. He repeated, that he should be quite ready to defend the conduct of Government upon the subject whenever the proper time should arrive for doing so; but that to be called upon on that day to proclaim to the House and to all the world the precise course which they were pursuing was to be called upon to do that than which nothing could be more likely to prejudice the object which they all had in view. The hon. Member for Middlesex seemed to think that the course which had been pursued by his Majesty's Government was unusual and objectionable. It was exactly the course which had been pursued in all other cases—in the case of distress in the Hebrides, in the case of distress in Ireland, and in fact in all cases of a similar description.

THE ICE-BOUND WHALERS.] Sir *Robert Peel* observed, that he had a short time ago presented a petition to the House from the town of Dundee, respecting the ice-bound whale ships. He wished to ask the right hon. Gentleman whether any measures had been adopted by his Majesty's Government for the purpose of endeavouring to afford relief to those vessels and their unfortunate crews. Several memorials had been presented to Government on the subject. Did any objection exist to their production?

Mr. *F. Baring* was understood to say, that inquiries had been instituted to ascertain what it was possible to do in the case adverted to by the right hon. Member for Tamworth. He was not aware that any objection existed to the production of the whole of the papers which had reference to the subject.

JUVENILE DELINQUENCY.] Sir *E. Wilmot* begged to ask the noble Lord whether it was the intention of his Majesty's Government to bring in a Bill in the present Session embodying the recommendation of the Commissioners appointed to inquire into the state of the criminal law respecting the age at which boys were to be subjected to summary punishment?

If it were not the intention of his Majesty's Government to bring in such a Bill, he begged to ask whether if he, humble individual as he was, were to do so, Government would support—he would not say the details, for those might be subjects of a variety of opinions, but—the principle of the measure?

Lord *John Russell* had no intention to bring in any such Bill himself, nor did he believe that any other Member of his Majesty's Government contemplated doing so. If the hon. Baronet thought proper to bring in a Bill upon the subject, he (Lord John Russell) would give it his serious attention, and if he found that it did not violate the principle of trial by jury it should have his support.

Case of Mr. Lovesey.] Lord *Granville Somerset* was sorry again to intrude on the House with a personal affair; but the conversation in which they had been engaged on Friday with regard to a military commission compelled him. Since that time he had had a communication with Lord E. Somerset, who stated, that as far as his recollection went, he had never made any written application for a commission for Mr. Lovesey; and that he had never entertained the slightest expectation of obtaining Mr. Lovesey's vote by getting him a commission. He (Lord Granville Somerset) had also had a communication with Captain Marshall, who denied that any political inducements had been resorted to to obtain the commission. But the most important communication was a letter which he held in his hand from Mr. Lovesey himself, in which he declared that the charge brought against him of a change of politics in consequence of obtaining a commission from the Beaufort family was distinctly untrue. He had never been asked to make, nor had he made, any concession of political principle upon the occasion. He felt that he should not do justice to that Gentleman if he did not submit the letter to the House. He had given an intimation of his intention to do so to the hon. Member for Gloucester; and with the permission of the House he would read the letter:—

"Coxhome-house, Cheltenham,
April 9, 1837.

"My Lord,—I have read with much surprise the mention which has been made by Captain Berkeley of the application made by me, through Lord Fitzroy Somerset, for a commission for my son, in 1832. I shall feel obliged if you will state explicitly that the assertion, 'My family have always hitherto been Whigs, not on the same side of politics that you are, but if a commission can be got for me from the Horse Guards through the influence of the Beaufort family, we shall in future be on the Tory side,' is distinctly untrue. I have neither made, nor was asked to make, any concession of political principle in return for the applications made on my behalf, and it is a most unfair imputation on me that I have been influenced by any such consideration in the political course which I have taken.

"I remain, my Lord,
"Your most obedient obliged servant,
"C. N. Lovesey."

"To Lord Granville Somerset."

Captain *Berkeley* stated, that when he had been called upon to say whether Mr. Lovesey had made use to Lord Segrave of the words imputed to him in the *Morning Chronicle*, his answer was, that Mr. Lovesey had not done anything of the sort; but that it had been communicated to Lord Segrave that such was the intention of Mr. Lovesey in the event of his obtaining the commission through the interest of the Beaufort family. It now appeared, from the letter which the noble Lord had just read, that Mr. Lovesey denied having any such intention; and he (Captain Berkeley) gave the noble Lord the full benefit of that denial. But there was still this plain, broad, and simple fact, that at the election which took place shortly after the commission was granted, Mr. Lovesey, who had never before voted for a Tory, did vote on the Tory side. That was a fact which could not be contradicted; and on that fact he took his stand.

Lord *G. Somerset* would only remark, that two years elapsed between the granting of the commission and the election. The commission was granted in 1832; the election did not take place until 1834. When Mr. Lovesey applied for the commission to Lord Fitzroy Somerset, the latter did not know what Mr. Lovesey's political oponions were.

Mr. *Hume* observed, that the noble Lord had produced those letters, but had left unproduced the most important one, namely, the letter written by Lord Edward Somerset to his brother at the Horse-Guards.

Lord *G. Somerset* would be most happy to produce such a letter if the hon. Member for Middlesex would tell him how. The fact was, that to the best of Lord Fitzroy Somerset's recollection, no such letter, nor any letter from Lord Segrave had ever been written. If they had never been written, how was it possible that he could produce them?

Mr. *Hume* said, it appeared from the noble Lord's former statement that such applications had been made.

Lord *G. Somerset* observed, that the applications made by both Lord E. Somerset and Lord Segrave were personal applications, and were so entered in the book kept at the Horse-Guards.

Mr. *Hume* remarked, that the noble Lord had certainly led the House to believe, that such letters were in existence, for he talked of a strict search having been made for them. Why search for that which it was known was not in existence? It appeared to him (Mr. Hume), and it was the feeling of those who sat around him, that the noble Lord intended to convey the impression that such letters were in existence, and in his opinion their non-production would make the case complete.

Lord *G. Somerset* declared, that if he found any more letters he should have great pleasure in producing them. But it was very hard to call upon him to do what was impossible; to produce what was not in existence.

Mr. *Scarlett* contended, that the noble Lord had completely vindicated the course which had been pursued by the commander of the forces; and that the whole gist of the charge was gone.

Lord *Howick* distinctly understood the hon. Member for Gloucester to state in the first instance, that Mr. Lovesey's application was made, not to Lord E. Somerset, but to Lord Segrave.

Subject dropped.

MUNICIPAL CORPORATIONS (IRELAND.)] Lord John Russell rose, and moved the Order of the Day for the third reading of the Municipal Corporations (Ireland) Bill.

Mr. *Goulburn* could assure the House that he should be most happy, if possible, to avoid a discussion upon a subject which, having been already before the House two Sessions, had been so fully debated, that almost every argument and illustration with reference to it was exhausted. But he felt it impossible, consistently with his conscientious duty, to prevent this measure to pass, without stating his opposition to it; and he could assure the House that it would be his endeavour to comprise within the narrowest bounds the observations with which he should accompany his rejection of the motion of the noble Lord. He confessed it was a source of great regret to him that the House did not think fit to entertain the proposition which had been submitted to it by his noble Friend (Lord Francis Egerton), the Member for South Lancashire, the object of which was to terminate the existence of the several Corporations at present existing in Ireland, and to make other and further provision for the administration of the funds and the discharge of the local government attaching to those bodies. He could not but think that if that measure had passed it would have been of the greatest possible advantage to the discussion of the question; and, what would have been of more consequence to the tranquillity of Ireland, it would have allowed some interval to elapse between the destruction of the existing Corporations in Ireland, and any attempt which might have been made to establish a substitute for those bodies, in any shape which might have been suggested. It would have been (as it appeared to his mind) a great advantage that time should be allowed for mutual political animosities to cool, and that those who had long been in possession of exclusive power in those corporations should not have had their removal from that power accompanied by a sense of an opposing force; and it would have been an equal advantage that when they were deliberating on the form of these new corporations some interval should be allowed to elapse; so that those on whom Parliament should devolve the administration of local power should not assume that power flushed as it were with victory. An opportunity would thus have been given to the House to judge of other measures very materially bearing on the state of Ireland—of measures affecting the interests of that country—of measures connected with her physical condition and moral improvement—of measures, moreover, connected with the maintenance and security of the established religion in that country, and with the preservation of its rights and property. As affecting the Established Church, the establishment must on all questions relating to Ireland, as it appeared to him, form the prominent feature; for its welfare was indeed the very beginning and end of all legislative deliberation. He contended that there would have been a great advantage in having all these matters plainly before them, and discussing what should be done for the better regulation of Corporations. But his Majesty's Government had thought differently. They had thought fit to submit to them singly the question of the re-construction of the Irish Corporations; they had deprived them of the advantage which a more intimate acquaintance with the real state of affairs in that country, and a knowledge of their own measures, would have enabled them to acquire; and he was, therefore, driven to consider this question singly and alone. Under those circumstances he was bound to oppose the measure. With reference to the Bill which they were now required to send up to the other House, he would say that so far as it went to remove that evil, which was the foundation of all legislation upon the subject before them—so far as it went to the extinction of those Corporations which had been permitted in Ireland under different circumstances, but which had now become little suited to the country, and were admitted by all to be not capable of being longer retained with propriety or advantage to the community at large—so far as all this went, he would say that the Bill before this House very imperfectly executed what appeared to be the unanimous feeling of the House with respect to Corporations in Ireland. This Bill was not like that which had been returned to them last year from the other House of Parliament, which provided for the extinction of all existing corporations, but on the contrary, this Bill provided that in forty-seven boroughs there should be Corporations formed on the model propounded by the Bill, but that in the case of twenty-one other towns where Corporations had been established upon principles which the House now condemned, and which had been established, not for municipal, but for political purposes, in these twenty-one towns those Corporations, condemned as they were by the unanimous voice of the House, were permitted to remain; and, therefore, whatever might have been done in the way of establishing a faction, or to create a suspicion of those towns from the dominion which they exercised, or the nature of the position which they held in the country, all that dissatisfaction remained behind to irritate the public mind, which had so long kept up the feeling of jealousy against the existing Corporations, and to prevent an amicable arrangement. All declared that the Corporations which had heretofore existed were not only undeserving of being retained, on account of their inapplicability to the altered circumstances of the country, but they were to be condemned because they had abused the trusts reposed in them as municipal bodies. He would ask his right hon. Friend, the Chancellor of the Exchequer, how he could recommend to Parliament to affirm a Bill which retained, in twenty-one of the boroughs of Ireland, those bodies which it was said had so abused their trust and ought to be divested of authority? These boroughs had been selected, not because they had evinced greater purity or virtue than their fellows; the question was not, then, whether there had been a greater or a less abuse of trust, but it was one of comparative popularity. The question, however, was this: whether these places were of extent sufficient to require any Corporations. And yet in these cases it was thought right not to inflict that which was stated to be a just punishment upon those who had not been more guilty. He knew not on what principle this distinction was supported. He did not understand that peculiar sort of justice to Ireland which would condemn the borough of Gorey on account of the evil consequences which had resulted from that Corporation having been invested with municipal power, and yet in the full possession of the powers, heretofore enjoyed, Wicklow was preserved. He did not see how justice was to be done in this way. Referring to sec. 2, schedule C, of the Bill, he contended that the towns contained in that schedule were just those which had very little occasion for municipal authority. But it was on places of this kind that this Bill proposed to confer Corporations; and in cases like those they became a burden upon the people themselves and served only to interfere with the general administration of the local Government. He could not, therefore, account for this large number of towns being increased. But there was in this Bill another provision which rendered it impossible for him to concur in it. The Government had not been content with dealing especially and by name with the charters of forty-seven towns in Ireland, some of little or no importance: the Bill provided by a general power to vest in his Majesty's Government the authority to confer every power, and privilege, and authority that this Bill conferred on special places on any other town or towns in Ireland in which there should be an inhabitant who should advise the Government, should be admitted to those privileges. It was left to the discretion of an individual to submit to the Government the proposition for investing the town with a charter and Corporation possessing all the authority by this Act to be made. He must say, that seeing the position in which the Government of that country stood, and the feelings and influences which guided their policy, he could not view without jealousy and alarm the power which they assumed to themselves to erect these little citadels of agitation and excitement into municipal governments. Now, in the case of municipal elections in England, it had been thought necessary that the householders should have the franchise; but why was the case altered in respect to Ireland, directed as feeling might be against the Church? In England the inhabitant householders were required to make the application to the Government for a charter for a Corporation, but in Ireland, where agitation prevailed, directed against every species of property, and mainly against the Church, power was to be given on the application of a single individual to construct a Corporation, not for the charge of municipal duties, but to gain the objects of particular parties. The measure in that respect was altogether without precedent. It was a Bill which in his view of the case, could not be acted upon without danger, and it was one which gave a power he was unwilling to trust the Government with. Therefore he could not support the measure. But it became necessary to consider the nature of these Corporations which the Bill proposed to establish, and how far they were capable of answering the objects for which they were professedly formed; and how far they might be converted to objects which were calculated to endanger the peace of the country and the continuance of the union. He would beg to call the attention of the House to the nature of the franchise which it was proposed to be given to the electors by this Bill. In large towns it was a 10*l.* householding, and in the minor towns 5*l.* In other cases it was to be coupled with a residence of six months merely, and the payment of rates, if any were to be paid (let the House observe this latter condition), during the period of residence. Was it possible for any man who was acquainted with Ireland, not to be aware of the class of persons who occupied houses rated at 5*l.*? They were individuals, if not of the lowest, at least of a very low grade of society. They were not distinguished by intelligence, and were the victims of want during a portion of the year. They were always liable to some influence or other being exercised upon them which bigotry or political animosity might direct. These were to be the electors of the new corporations. If their functions were fairly administered (supposing even that to be the case), and that the franchise was so examined into as to render it impossible that fraud should be committed as to the value of the tenements in virtue of which they were called upon to vote, even then this course of proceeding was not exempt from those dangerous influences which operated upon the minds of the lower classes. Looking to this 10*l.* and 5*l.* franchise, he was sure that many would be qualified to vote who were not *bonâ fide* voters. In fact, every resident in the place, whatever his disposition, and whether he was qualified or not, would be brought forward under the dictation of their leaders to return a certain class of persons to the council. Those electors, the occupiers of a house at 2*s.* a week for six months of the year, having no permanent interest in the welfare of the town, and in a situation which generally exempted them from the payment of any rate or tax whatever, were undoubtedly most susceptible of improper influence, and easily directed either by the political animosity, or sectarian feeling of those who guided them against the Established Church of the country. But not only so, they would have a class of persons introduced on the register who were not possessed of the requisite qualification. And when they knew that instead of having their claims to the franchise decided before a barrister, who was responsible for the manner in which he discharged his duties, the persons who were to judge of the validity of each claim were the mayors of these towns and two assessors, all of whom were themselves elected by the same majority as the council themselves were elected, he would contend that it was not too much to say, that a case or cases might happen in which persons making applications for the franchise, would be enrolled on the list even when not possessing the requisite qualification, they throwing into the hands of the multitude, and the lower orders of the multitude, the whole control over the property of the towns. It was no slight objection to his mind that it provided not merely for annual elections in the numerous boroughs which now existed, and which it might be the pleasure of the Government hereafter to add to, but that elections on every vacancy in addition should take place in every one of these boroughs, thus keeping up a constant excitement, and giving rise to a regularly-established machinery, for the purpose of keeping up the multitude to vote. And there was, too, this disadvantage, that in the large towns contests which would take place for municipal offices, would be but the precursor of that which was to occur in the elections for Members to serve in Parliament. The animosity and bitterness of feeling engendered by a contested Parliamentary election, would not be permitted to slumber during the intervals between these elections, but would receive a fresh accession of strength at the yearly or half-yearly municipal elections, and would be kept alive from the commencement of the year to its termination. This would strike a deadly blow at the peace and good government of Ireland, and maintain in perpetual activity the elements of civil discord. If there was any evil against which the House ought to guard more anxiously than another, it was the incessant supply of fuel to the flame of agitation. The House ought, above all things, to guard against bringing the two great contending parties into collision, against kindling social dissensions into redoubled vehemence; for, with whatever side victory might remain, the order of society would be disturbed, and the public welfare injured. Such would be the necessary consequence of the election of councils by the constituencies proposed in this Bill, and at such small intervals of time. The numerical superiority in the whole or the greater part of the towns in Ireland being vested in the followers of one particular form of religion, the councils would be as exclusive, as far as regarded religious opinion, as grasping and selfish in political matters, as the very bodies which Government proposed to abrogate. In the present state of the country they would afford to those who were anxious to maintain excitement, or to disturb the public peace, the means of carrying on, in an authorised form, the war which had been some time past waged against the Established Church and its possessions. He confessed, that in all Irish questions he had always looked upon the safety of the Established Church, and the preservation of its rights, as the main object to be taken into consideration. He believed, that to that church we must look for the means of effecting an improvement in the prosperity and peace of the country, for the means of effecting the great moral improvement which is required in that country in order to place it on a level with other parts of the empire. Nothing would be more fatal to its stability than rashly and hastily to establish institutions, which would be powerful instruments in the hands of those who were engaged in a course of hostility against the Church, and who were attempting, by every means in their power, to deprive it of its legitimate revenues, and apply them to purposes not connected with the objects of an Established Church. Such a measure would remove every chance of tranquillity, would do away with every prospect of future prosperity. He said this because he had had occasion to observe that in all parts of the country the churches formed centres from which civilisation and knowledge flowed to the surrounding neighbourhood. He was convinced that the most effectual means of diffusing the blessings of religion, charity, and peace was, to plant throughout the country clergymen of the Established Church, and to place them in a situation of security and comfort, which would enable them faithfully to discharge their duties. Such a course of policy, by giving them the means of extending their influence over a wider range of society, would greatly increase the amount of individual comfort, and would be productive of the most valuable benefits to the nation. If he observed the Government attempting to create corporations in every part of the country on a principle of hostility to the church, formed of men who were not in a situation to judge for themselves respecting its value, who had every inducement to oppose it on political grounds, besides the hope of freeing themselves from the imposts to which it subjected them, and who were besides often compelled by the mandates of their clergy to oppose it, especially when these corporations might be created in a place at the desire of any inhabitant who should judge it necessary to have a new position from which to direct an attack against the church, he could not consent to assist their designs, or to support a Bill intended to give effect to them. The House was told, that because England had municipal corporations, Ireland must have them too; and that the power of self-government conceded to the people in one country ought not to be withheld from them in the other. He had no desire to withhold from any class of his fellow-subjects the power of self-government. So far was the plan which it was proposed to substitute for the ministerial measure from depriving the people of that power, that the Bill to which the House last year refused its concurrence recognised the right more clearly than the Bill now upon the table. The Bill on the table gave to the corporations an unlimited power of taxation, and left the amount of taxation to the discretion of that body; but the Bill proposed to be substituted for it gave to the people not only the right of governing the town, or managing the corporate property through a body elected by themselves, but of deciding whether or not such a body ought to be established. He asked hon. Gentlemen opposite whether there was not a great difference between the present measure and the English Municipal Reform Bill, both as regarded the manner in which Corporations were formed, and the hands in which power was lodged? He thought it indisputable that the constituencies ought to be composed of persons who had some permanent interest in the welfare of the town. In England the franchise was not given to the small cottagers of the place to such an extent as to overwhelm the voices of the better class of inhabitants, or to men who might only be casual residents, and need not remain in the town more than the six months necessary to insure qualification. A residence of three years was the term fixed in the English Bill, which gave a security for the moral character and stability of the voter, that could not exist in the case of an individual who frequently changed his residence. In the English Bill provision was made that the corporations should discharge the ordinary functions of municipal bodies, and should superintend the paving, lighting, and cleansing of the towns. But, by the Bill now before the House, the most important corporations would absolutely be deprived of the power of regulating the municipal concerns of the place. Those bodies would be, except for the baneful purposes of agitation, little else than nonentities, and being debarred of the power of employing their time to the advantage of the community would become mischievous engines for exciting discord and inflaming the passions of the people. In England, a country in a state of civilisation far more advanced than that of Ireland, having a government conducted with a firmness unknown in the other country, and a people which obeyed the law, not from fear of the power of compulsion with which it is armed, but from a feeling of respect and attachment. Ministers introduced safeguards to the misuse of municipal power, which in the Bill before the House they did not attempt to enforce with respect to Ireland. This was a Bill which threatened the most fatal injury to the interests of the Established Church; and he begged to ask Government how it happened that the House was now called on to give a final decision on the measure without some definite explanation of their views with respect to the Church. The House had been called upon to take into consideration the state of Ireland, to provide for a just settlement of the affairs of the Church, and for the better regulation of the municipal corporations. The advisers of the Crown must necessarily feel that these subjects were closely connected, and that the House could not decide the question of the corporations without knowing what measures were to be brought forward regarding the Church. He could conceive it possible to place the Church in a position in which its revenues might be secured against the attacks made on them, and its existence made compatible with a reform of the Municipal Corporations, based, not upon the principles of the Ministerial plan, but upon principles which might better conduce to the good government of the towns and not interfere with the benefits of an Established Church. The House had had an intimation from the noble Lord, the leader of the Government, who had stated that no false point of honour on his part, no regard to consistency, should prevent him from proposing such measures as might be necessary for the security of the Established Church and the maintenance of its property; but he thought that they should not be asked to legislate on a question so important as the present, and one which affected so materially the interests of the Church, without some specific assurance of the measures to be taken for giving it permanence and security. He knew not upon what principles these measures might be founded, but he could tell the Government the inference which would naturally be drawn from this state of affairs. The public and the House were aware that the present Government was formed upon a principle, he would not say of hostility to the Established Church, but of appropriating its revenues to purposes different from those to which they were originally destined. The opinion of the country was decidedly adverse to the measure introduced to carry that principle into effect, and it passed the House by a slender majority. But when this measure remained in abeyance, and a Municipal Reform Bill, pregnant with danger, as he maintainted, to the Established Church, was introduced, the necessary and natural inference which the public drew from it was, that this Bill was proposed, not with the purpose of conferring municipal government, but of giving to those who demanded the appropriation of the church revenues, the means by which they might keep alive agitation, and render it difficult to realise the property of the Church. He thought it not an unnatural inference, that the Government who had pledged themselves to apply to secular purposes a portion of the property of the Church, and thus to take the first step towards its dilapidation, had not abandoned that principle which was the ground of the support they received from a large body of Members, but were endeavouring by a less open, but not less certain, mode, to insure the object they had in view, through the medium of the new corporations. There was another point to which he was anxious to draw the attention of the House—the relation in which they stood to the other House of Parliament. When this Bill was under consideration last Session, the noble Lord at the head of the Government in that House called the attention of hon. Members to that portion of the reasons assigned by the Lords for adhering to their decision, in which they expressed a hope that the two Houses, maintaining the good understanding which happily subsisted between them, and zealously co-operating in the discharge of their duty, might at no distant period devise such measures of reform in the administration of local affairs as might give a real guarantee for prosperity by the suppression of religious animosities. The noble Lord read that passage to the House, and intimated an opinion that it held out a prospect of a reconciliation of the differences which had taken place between the two Houses on the measure now under discussion. But how was it possible to reconcile this Bill with the hope expressed by the noble Lord? The noble Lord now called on them to send up to the other House, not the measure which he was then willing to accept, not even the measure which was in the first instance sent up to the House of Lords and returned with amendments, but that measure rendered more distasteful by enactments still more opposed to the views which the other House had declared itself to hold. The course which the noble Lord proposed to them to take, in order to satisfy his expectation that he might be the means of settling the question, was to insert in the measure provisions of a character still more objectionable than those to which the Lords had refused their assent. Viewing, therefore, this question of municipal reform both as regarded the nature of the corporations which the noble Lord proposed to establish, as it affected the interests of the Church, and as it affected the relations subsisting between the two Houses, he for one could not satisfy his feelings without declaring his opposition to the measure. It was not yet too late to re-consider a measure which applied to the present circumstances of Ireland and in its present shape, was calculated not to promote peace and good Government, but to foment discord and embitter society. He did in his conscience believe, that if sent forth as it now stood, it would, undoubtedly, aggravate the evils by which that country was distracted, and give additional weight to the influence opposed to the Protestant faith and to the Protestant Establishment.

Mr. *Tancred* was satisfied that if Corporations had never been known in Ireland still such beneficial effects would result from their establishment in that or in any other country, if left to their fair operation, that they would tend more than anything else to improve the condition of the people. Most of the present Corporations in Ireland were very exclusive and dishonourable in their nature, and were framed solely with a political object. Sir Arthur Chichester, the deputy in Ireland in the reign of James the First, recommended the foundation of the greater portion of the small Corporations of Ireland on an exclusive principle, with a view of securing Protestant ascendancy. At this period the greater part of these boroughs were framed, and they soon became ready instruments in the hands of an oligarchy. He thought that the conduct of hon. Gentlemen opposite with regard to this question, and stating that they opposed it as Friends of the Church, was most extraordinary. The right hon. Gentleman said that if the House passed that measure it would create a battery against the church, but he would ask whether they were not more likely to procure this result by rejecting the measure, for, by so doing, they would exasperate the feelings of the people against the Church, as being the occasion of their oppression. In fact, it would be telling the people of Ireland that the existence of the Church was the cause of their being treated as an inferior race to their fellow citizens. He was satisfied that the creation of such institutions as would be framed under this Bill would afford the best possible chance of promoting the religious peace and tranquillity of the country. To tell the people of Ireland that they would not be degraded by adopting the proposition of the right hon. Gentleman was to make one of the most extraordinary assertions that could be uttered, and he almost doubted whether hon. Gentlemen could be sincere when they made such declarations. It was his misfortune, for so he must ever consider it, to give his first vote in Parliament for the Coercion Bill. He stated at the time, he felt it to be his duty to support the measure, in consequence of the state of the country, when the people apparently were driven to a state of madness; but at the same time he should feel it to be his duty to support measures calculated to remove the grounds of complaint under which the people of Ireland laboured. He was happy to find that the conduct of the Government since that time had been such as to create a confidence towards it in the minds of the people, and he trusted that the policy of that Government, whose primary object was to place the people of Ireland on a footing of equality with those of England and Scotland, would not be thwarted. This, therefore, was a most auspicious moment, and if it was neglected it might be centuries before they again had an opportunity of securing the confidence of the people of Ireland. He therefore should give his cordial support to this Bill.

Mr. *Hamilton* said, that as a Member for Dublin, and connected in that capacity with the largest and most important of the Irish Corporations, as well as with the largest of the Irish constituencies, he was unwilling to give a silent vote on the important question then before the House, though it had been so frequently and ably discussed that he was not vain enough to suppose he could say anything that was new on the subject. The metropolis of Ireland was, indeed, so studiously excluded from the operation of the Bill in many important particulars, that he almost felt that he owed an apology to the House for offering himself at all to its notice as connected with that city; and, certainly, if he were a supporter of the principle of the Bill he should feel that he had reason to complain that Dublin was excepted in almost everything that really appertained to self-government or fiscal and municipal regulations. It did appear to him that in the discussions during the present session the question had been placed by those who supported the measure upon somewhat new grounds; or at least that language had been held both in and out of the House which was calculated to place it in what he believed to be its true and proper light, and to furnish its opponents with their strongest and best arguments against it. The proposition of the noble Lord was now supported by two classes of persons—both in and out of Parliament; those who were anxious, and avowed themselves, to advance the democratic principle and influence; and those who were seeking to strengthen the Roman Catholic interest, with a view, first, to the subversion of the Established Church, and with a view afterwards to other and ulterior objects. Now it was precisely because he thought that the one ought to be strenuously resisted, and the other strenuously restrained, that he felt himself compelled to vote against the measure.

By those who represented the first class it had been argued, that a complete democracy should be introduced into municipal institutions, and that those democratical institutions would constitute the best species of apprenticeship to larger and greater rights. Now, such an acknowledgment as that did appear to him rather startling, especially when made in speeches that were adapted, as he thought, in tone and sentiment, rather to the republican assemblies of the United States, than to the Parliament of the monarchy of England, and served to convince him that, however plausible as a pretext, or convenient as an argument, the supposed right or expediency of institutions conferring the power of self-government might be by a large proportion of the supporters of the present measure, it was really regarded merely as a means towards the attainment of other ends, and that it was valued principally as being conducive to the establishment of the democratic principle in the Constitution itself, and every branch of the government. Again, because it was said by the opponents of the measure, that, by the opportunity which these new Corporations would afford for agitation, the danger to the Established Church would be increased, an attack was immediately made upon the Established Church. It was said to be the obstacle in the way of good government—that it was interposed between the people and their rights—that the people have a right to good government, and that they could not obtain it because of the Established Church. In that argument there was a fallacy and an assumption. Certainly the people had a right to good government—it was the consideration which society was bound to render to individuals for their conformity to its ordinances and regulations; but it was assumed in the argument that good Government and self-government were identical; whereas it was precisely because, under existing circumstances, in Ireland self-government would not be good government that he was desirous to withhold it. It had likewise been urged, that the friendly contact of persons whom a difference in political feeling had hitherto kept apart would be useful in softening down these asperities, and creating a milder and better feeling. No one could be more anxious than he was to see these asperities softened down and removed, but little did they know of the state of feeling in Ireland who imagined that the annual elections and discussions that would take place in the new Corporations could possibly be kept apart from political and religious considerations. It was precisely because they were calculated to increase and not to diminish—to perpetuate and not to extinguish—dissensions in Ireland, that he for one was opposed to the measure. He agreed with an hon. Friend of his that the Roman Catholics were increasing in wealth; but he further thought that, in proportion as they were increasing in wealth, they were learning to wear the chains of the agitator more loosely, and to feel them more irksome. The fact was, Ireland was tired of agitation. The people were wearied of the constant excitation of political struggles between contending parties. They were anxious to be allowed to apply what had been called their industral energies to individual objects, to advance their own interests by improving the country. They were going to increase, to perpetuate, to legalise these political struggles, by establishing these schools of agitation. Great stress had been laid, and justly laid, upon the expediency of assimilating the institutions of the two countries. In that proposition, as a general proposition, he was inclined entirely to agree; but dissimilarities had been pointed out which prevented the application of the rule to the case of Municipal Corporations. There was one dissimilarity not yet adverted to, and which appeared to him to bear very materially upon the subject. He was happy to have the opportunity of pointing it out, because it was unconnected with any religious or political dissension. The dissimilarity he alluded to consisted in what he might call the comparative statistical difference of the population of the two countries. England was essentially a manufacturing country, abounding in towns of consideration, wealth, and importance, and requiring, therefore, extensive civic jurisdictions. Ireland, on the other hand, was an agricultural country—a country of agricultural labourers. She had more agricultural labourers for the cultivation of her fourteen millions of acres than England for the cultivation of her thirty-four millions. What benefit would her 1,955,000 labourers derive from the cleansing and lighting in one way rather than another, or even by the self-government of a few paltry towns?—Could it really be supposed they would rebel if Parliament should refuse to invest with the gown and insignia of office the provost of Monaghan, the portreeve of Enniscorthy, or the sovereign of Clonakilty? He regretted that language had been used in reference to the question, both in and out of Parliament, of a violent and threatening character—language that was calculated, whether so intended or not, to lead to the belief that the people of Ireland would be justified, if the measure should be rejected, in seeking to obtain it by force. As such language, however, had been used, he would take leave to say, that he had no fears whatever of a rebellion in Ireland. It was not merely because he knew that the battle was not always to the strong, or to the many; but because also he had a great reliance upon the good sense, the good feeling, and loyalty of the majority of his Roman Catholic countrymen. They might be forced, perhaps, to join the National Association—they might be induced, perhaps, to do outrage to their feelings in voting against their landlords at elections—but depend on it it was not come to this, that they would enter into the field against their Sovereign. There was no one who could deprecate the introduction of such a topic more than he did; but he felt it his duty to add, that, if in an evil hour, and because Parliament, in the exercise of its deliberative and legislative functions, should think fit to legislate in a manner which to its wisdom might seem best for the interests of the whole community, a portion of the people of Ireland, misunderstanding the language he had alluded to, and under a sense of imaginary insult or injustice, should have recourse to the expedient of force, there would not be wanting those in Ireland who would stand forward in defence of their King, and the independence and supremacy of the Legislature; and he would have neither a fear nor a doubt as to the result. But he would again repeat that such a conjuncture was as improbable as it would be deplorable. Let a Government be formed which, administering the laws mildly, but firmly, would not prostitute them for the purposes of party. Let Parliament, laying aside its dissensions on abstract questions, for which the Irish people really cared little or nothing, apply itself to the consideration of ameliorating their condition. Interest the Irish labourer in your legislation by legislating for his comfort and improvement—elevate him in his own estimation—teach him to look upwards with hope—you will take him from out of the hands of the agitator—you will make him that for which Providence designed him in giving him a warm, a kind, and a generous heart—you will place him in the situation of being a contented and loyal subject, and attached to the institutions of his country.

Mr. *R. Dillon Browne* could not offer any new arguments, the subject having been already so frequently and ably debated. Every argument had been used in support of the expediency and justice of the measure, and used, too, with the most triumphant success. Indeed, if the object of any hon. Gentleman was to combat the arguments of the Tory benches, there would not be much necessity for drawing on his ingenuity, or for seeking out new matter, for hon. Members opposite had not offered a single argument in justification of their opposition. They had upon every occasion deserted the narrow space which comprehended the real matter in debate, and they had taken up theirs upon the wide common of personality and vituperation. Like the learned Sergeant, the Member for Bandon, when they found they could not combat their adversaries by any efficient opposition, they tried, like the lord of misrule in the old mummeries, to shake their swords of lath at the King's executive in Ireland. They had also opposed this measure in defiance of every principle of reasoning; they refused to Ireland identity of law as well as identity of allegiance, because they objected to the viceroy, who was a mere existing accident; they refused great principles of justice on account of the bare existence of accidental circumstances; and thus they, arguing from the particular to the universal, proved that what they considered false in logic they considered, in Ireland at least, right in justice. The question before the House involved a great national consideration, whether the Government of this country should consider the people of Ireland as British subjects or not, and by what means they should exact allegiance from them. He thought it was a great political maxim, that in proportion as the allegiance of a people was the condition upon which they claimed the protection of the government of a country, so in the same proportion a righteous and equal administration of the laws was the condition on which the government of a country claimed that allegiance. Now the question resolved itself into this, whether they should consider the Irish people as British subjects, and claim allegiance from them in return for having observed those relationships of civil society, or whether they should not consider them as British subjects, and exact their allegiance by the strong arm of the law. If they considered them as British subjects, they had a right to extend to them the protection of British law; and he could not conceive how they could say they extended to them that protection if they pulled down in Ireland those popular institutions which they upheld in England, and which for the perpetuity of particular rights the wisdom of their ancestors had given a legal immortality. Then they did not consider them as British subjects, and were resolved to govern them by the means of physical force. The hon. Member would not consider how much moral justice and national honour was violated by such an attempt—the first, in their disregarding the great principle of doing right to all, which they were bound to observe as legislators, as Christians, and as men; the second, in their violating their national faith by neglecting the conditions of the Legislative Union. But he would consider the policy and practicability of such conduct. If to-morrow this country were to be involved in war, no remote contingency—if the flag of Russia were to wave over the waters of the Mediterranean, could the Government of England, after such a demonstration of hostility and contempt for the Irish people, go to Ireland, and ask the youth of that country to fill their naval armament? Would not the secret voice whisper to them disobedience? would not the manly and loud voice of agitation tell them they were insulted?—would not such conduct in a moment of doubt alienate the country?—would it not brief the demagogue?—would it not place in his hands the fuel of sedition?—would it not furnish him with this matter for agitation, that his country was insulted because she was conquered—that she did not seek superiority, but equality?—and would it not give him reason for exclaiming, in the language of the Roman conspirator, "Nos neque imperium neque divitias petimus, sed libertatem, quam nemo bonus nisi cum anima simul amittit"? He hoped the House would pay some attention to the words he was about to quote—they were words uttered in another place by a great man, and by a man who had obtained for himself an eternal fame, though his services to his native land were not commensurate with his power of doing good—the words were these:—" Let not either this or the other House of Parliament regard the Roman Catholic, or anything that affects the interest of Ireland, with any other eye than that with which they regard the interest of Scotland and this country." Such were the deliberately-declared opinions of the Duke of Wellington. He could not conceive why this principle would not be followed out, and why hon. Members opposite would give nothing to Ireland in common with England, except the liability of being taxed. From what reasoning did they come to the conclusion that there was inferiority on one side and superiority on the other, for on that consideration alone could they ground their partial government? What facts had they to support the assertion? Was it from a survey of the army list? Did not Irish blood flow freely in the battles of England? Was it from a survey of the annals of this House? Was not, since the Union, Irish ability devoted with as much zeal and virtue and effect for the common interest of Britain? Was it from a survey of the literature of the day? Was not Irish mind as pure and cultivated, and in the more useful productions did not a ripe fruit fall from the harvest of Irish industry. Was it from a more minute observation of the people of the country? Take any two parishes in England and Ireland, and let their inhabitants be examined as to a knowledge of the laws of the country, and as to their general conduct — their conduct as citizens, in observing the civil regulations of society, and as Christians, in observing the ordinances of God — and would Irishmen yield in the comparison to their better fed and better clothed fellow-subjects, who lived only a few hours' sail from the land of the proscribed? He did not approach this subject yielding solely to the impulse of national and sectarian feelings. He did not ask for these concessions for the sake of Ireland alone, but he asked them for the sake of maintaining great principles, upon which, he understood from his earliest youth, were based the liberties of this country; upon the principle of local government, and on this principle, that the government of a country should maintain a good credit and an honourable understanding with the people. For the same reasons that he would this night register his vote in favour of Ireland, he had done so before in favour of Canada; and as he did not wish now to see his countrymen deprived of the power of governing themselves, and to see public confidence abused in the violation of the conditions of the Legislative Union. He did not wish, then, to see the same rights refused to Canada, and the same abuse of public confidence in permitting England to coquette with the constitution of that country. Above all, he advocated it on the principle of local government—on the right of the people to participate in the creation and administration of those laws for the maintenance of which they were taxed, to the authority of which they were amenable, and for the purity of which they were responsible in the eternal opinion of history and the contemporaneous estimation of mankind. The principle of loca government was one of the great democratic principles that belonged to the Constitution of England. The Constitution of England was essentially democratic. In every contest between the people and the aristocracy, the people had asserted the right of dictating laws and of governing themselves; and in every contest the aristocracy had found but one result—that they were taught another lesson of humiliation. He would not wish now that the aristocracy should become the ascendant, for, from that moment, judging from the example of history, he would date the decline of England's greatness. In Rome, from the moment power was vested in irresponsible hands, and the emperors triumphed over the people, the downfall of that nation commenced; in more modern days in Venice there were similar consequences from the exercise of aristocratic power; and still later in Poland, it was a base aristocracy that sold their country and their patriotic king to the infamous triple alliance. But he could not conclude that such a misfortune could befal Great Britain. From a consideration of the character of both parties, he entertained no fear for the people; for he saw on one side a few nobles who owed their privileges to the accident of their birth, and their creation to the whim, the necessity, and frequently the corruption of the Ministry; and, on the other side, a people who were eternal. The Lords might, for a while, resist the importunities of the people; a few waves might be broken against the shore, but the tide of popular opinion would advance in its steady and eternal career; and those proud patricians, who regard with a listless eye the rising of the waters, if they did not recede in time may be borne down by the fury of the current that was collected from the fountains of liberty, and swelled by the indignation of the people. Ireland had been subjected in vain to every species of injury, to the consummation of no moral end. Bayonets and penal codes have been tried in vain; why not adopt another experiment in governing that country, an experiment which this Bill endeavoured to try, the experiment of equal justice, and of kindness and conciliation? In the language of Earl Grey, he would tell the House that the time had arrived when "they had no alternative except coercion or conciliation; coercion they had tried and had failed, therefore they should adopt conciliation." Lord Bacon said, "He that turneth the humours back and maketh the wound bleed inwards, endangereth malign ulcers and impostumations," —that had been the course of England. You have turned the humours back—you have made the wound bleed inwards—you have made it impossible to effect a cure—you have done all this in the vain endeavour to crush a great and generous people; and what is left you, in the words of Bacon, but to look to the cause, and cure the evil by its removal: that cause is exclusion—the remedy is admission. Exclusion from the blessings of the Constitution is the cause—admission to those blessings is the remedy. Do that, and what he heard quoted on another occasion would be true in this:—

"Defluit saxis agitatus humor:
Concidunt venti, fugiuntque nubes,
Et minax (quod sic voluere) ponto
Unda recumbit."

Colonel *Verner* did not rise for the purpose of following the hon. Member who had just sat down, through the speech which he had just delivered. It was neither his wish nor intention to occupy so much of the time of the House; he merely rose to make one observation before he gave his vote upon the motion now before the House. It was said by some hon. Members on the opposite sides of the House, that the Municipal Reform Bill for Ireland was in point of principle included in the great measure of 1829. By the Act of that year all distinctions on account of religious belief were removed. Roman Catholics became eligible to fill offices which Protestants had before exclusively filled; and by the same Act it was contended a kind of promise was given or implied, that all reforms which were adopted in England should be extended to Ireland, if the Roman Catholics in that country hoped to derive advantage from them. This might seem all fair—but this was not the whole case. In the memorable year 1829, some of those who had long been opposed to the claims of the Roman Catholics, declared, that they could not any longer resist efforts made in their behalf, and they consented to make the great concessions demanded. They did so, declaring that they yielded as a matter of expediency. But they did not surrender at discretion; they capitulated on terms. He did not think those terms had been kept, and he did not think that those who violated the engagements which they entered into at the time of the capitulation, should assume to themselves the privilege of breaking the convention, for their own advantage, while they exacted a rigid fulfilment of it, to the injury of the other party. He should not stop to inquire how far an oath might be evaded by legal dexterity, or by priestly casuistry; or how far a coach and six might drive through it, as through an Act of Parliament. But thus much he did know Roman Catholics in return for the privileges bestowed upon them, swore that they would defend the property, and that they would not subvert the Establishment of the Protestant Church. He believed also, that their conduct, in Parliament and out of it, had been calculated to overthrow what he conceived by their oath they were bound to defend. It appeared to him that the qualification oath should be so interpreted; and for himself he must say, that had he taken that oath, no power on earth could influence him to act in a manner which he must still consider contrary to the spirit and letter of the engagement into which Roman Catholics, of their own accord, entered. If it were said, that the views which he and many others entertained on this subject were erroneous, the error ought to be shown. If Roman Catholics out-manœuvered the Ministry in 1829, and swore to an oath which was not to be binding on them, let their explanation be fairly set before the public, and let us see whether they acted fair and honourable in obtaining such an advantage by their dexterity. One of these things certainly took place, with respect to this oath, either—first, the Ministry in 1829, meant to deceive the Protestants of this country and Ireland, by proposing as a security an oath, which they intended should be evaded; or, secondly, the Ministry, having been sincere, Roman Catholics outwitted them, by so contriving that the oath should be without obligation; or neither of these things being the case, in the third alternative an oath calculated to furnish an abundant security was provided, and Roman Catholics took it, and despised it. Let us know which of these cases is correct, and we shall then know how to act. As to the first, it would appear, that no one had yet dared to whisper a charge of treachery against the distinguished individuals by whom Catholic Emancipation was carried; as to the second, he never heard any such interpretations of the oath, in all its parts, as would give Roman Catholics the benefit of a supposition that they had outwitted its framers—while he heard only angry retorts on the subject. He was led to draw the conclusion, that the terms on which the Protestants capitulated, have not been kept to them, and that their capitulation, therefore, ought not to be used as an argument for proceeding, to what, he was convinced, would lead to the separation of Ireland from this country, and be an additional step towards the destruction and overthrow of the Protestant religion in Ireland. He should, therefore, give his vote against the measure now before the House.

Mr. *Bellew* said, that after the discussion which this subject had already undergone, he should not go into any details, but would view the present measure as a section of the plan upon which the people of Ireland were to be governed, and he would say, that if the Bill even did not pass it would have no effect upon the present popular Government of Ireland. The peace of that country had already been restored by the mild sway of the Lord-Lieutenant, and the laudable exertions of the associations of the people themselves. He did not wonder at the opposition given to this measure by the hon. Gentlemen opposite, because he recollected that they also protested against the Reform Bill, against the Catholic Relief Bill, and against the repeal of the Test and Corporation Acts. In fact, whenever any measure was proposed for the amelioration of the situation of the Irish people, hon. Gentlemen opposite identified it with the ruin of the Protestant Church.

Mr. *Henry Lytton Bulwer* said, one asks for some great statesmanlike principle when a whole policy is at question. What is the principle here? A difference between the state of Ireland and England. Is that the principle? Well, then, Gentlemen are told of the difference between England and Ireland in regard to the Church question; what do they reply? That this difference is not to be taken into account—that Ireland is to be governed not as Ireland, but as part of the empire of Great Britain. They deny this difference on religious matters where the two people do notoriously differ; they contend for it on State matters, where, if the Catholic Emancipation Bill is not a lie, there is no such difference: was there ever anything so perfectly absurd as this? But let us carry on the argument: if the people are in a peculiar condition from all other countries, what follows as a consequence? That in legislating for such a people you must consult their peculiar wishes their peculiar interests. And how can you best ascertain these? Why from themselves to be sure. If, then, the Irish essentially differ from the English, you are bound in legislating for Ireland to consult the feelings and the opinions of the majority of the Irish people as expressed by their representatives. If the Irish do not essentially differ from the English, you are bound to govern them by the English law. He did not see how Gentlemen could escape from one of these two conditions. But they gave the Irish nation representation for the purpose of knowing the sentiments of that nation, in order that they might legislate according to those sentiments? No, in opposition to those sentiments. This is all their care. When the majority of the Irish nation say, we wish in this matter to be held as apart from England, then you at once declare, that the two countries are to be considered as the same. When the majority of the Irish people say, we wish to be considered not as a sect apart, but as a portion of the citizens of the British empire, then you turn round on the other side and say—no, we will not treat you as British subjects, but as Irish helots. This is all that they seem to care for; they seem to have no other principle, no other policy, no other wish, than to avoid every risk of obtaining the affections of the people whom they undertake to govern. But have they even pursued this course with common wisdom? A noble Lord who spoke on a previous evening — (I mean to speak plainly; I do consider, that the Catholic subject is to be looked upon differently from the Protestant)—gave an apt and felicitous illustration of his opinion: for having declared that the one was the immense majority, and the other the immense minority, he said that his notions of policy would be, to maintain an exact equality between this immense majority on the one side and this immense minority on the other. But if this is his view, what has he done—what has he been about for these last few years? Why did he pass the Catholic Emancipation Bill—why the Irish Reform Bill? He passes one Bill, which declares that Protestants and Catholics are equally legal subjects and have equal civil rights—he passes another Bill, which declares that all men, whether Catholics or Protestants, who have a certain qualification, should vote for Members of Parliament. By these two Acts he makes the majority in the electoral lists, in whatever creed it is formed, superior to the minority; and it is after these two measures, which he not only consented to carry but was forward in carrying, that he comes out and says, that the majority and the minority are to be considered equal. And this is the Nestor in politics—this is the person who comes forward to warn others lest they should by taking one step lead to another—who declares, that for his part he will not admit any principle of which he is not ready to adopt the consequences. The fact is, that there are only two ways of governing Ireland. It might be attempted to govern Ireland as the Austrians governed Italy. Gentlemen might say, that the minority were disaffected and rebellious, and that the majority would be armed with sufficient power to keep the minority down. This was the course of their forefathers—a tyrannical but a consistent one. But you (speaking to the opposite benches), right or wrong, thought proper to abandon that course; you, right or wrong, thought proper to declare, that the majority were as good citizens as the minority; and directly you did this, you removed the very foundation stone upon which all your former policy was based, and it is the height of folly to endeavour to maintain that superstructure which it supported. It is necessary now either to go back, to repeal the Catholic Emancipation Act, to repeal the Irish Reform Act, or to go forward and pass the Irish Municipal Bill. But the very essence of absurdity is to grant, without a murmur, the right of legislating for an empire, and to refuse, as dangerous, the claim of legislating for a parish. Gentlemen speak of agitation; how can they expect there will not be agitation? They bring a principle and a policy into presence, the one directly opposed to the other: the principle gives the majority the greater power, the policy opposes it. They must renounce their principle or they must renounce their policy. There must be a complete system of exclusion maintained by the sword, or a complete system of conciliation established by the laws. But how, then, will Gentlemen say, is the Protestant party to be maintained in Ireland? Why, by its ceasing to be the Protestant party, by forgetting its former superiority and the laws passed to maintain it, and by remembering its present condition founded on recent enactments. To the Protestant who seeks for weight and consideration in his country — not from any clique or class, but from the great bulk of his fellow-citizens—will his religion be an obstacle? I say not, if he himself does not raise it up as a barrier between himself and his country. Some of the most popular men in Ireland, and with Irish Catholics, are Protestants. And why? They are not Orange Protestants — they are not exclusionist Protestants — they do not think their fellow-citizens the worse men for being Catholics; he, therefore, does not think them the worse for being Protestants. He would now, before sitting down, say one or two words on another view of the question. Corporations were to destroy Protestantism in Ireland; why, what had been the very foundation of Protestantism but Corporations? Was it not by the small states and chartered cities of Germany, the free towns of Flanders and of the Low Countries, that her fiercest battles had been fought and won? And even in England it was in Corporations that Protestantism had found her earliest and most stanch defenders. Hon. Gentlemen opposite, passionate and prejudiced as they were, would desecrate the very cradle in which their infant creed was first blessed and nursed. The Protestants! how little would they be recognised by their forefathers when they said the creed of Rome can flourish amidst free institutions, but the more sickly faith of Calvin or Luther could never endure the stormy atmosphere from which a free government derives its vitality and its vigour. But the standard of Protestantism was to be unfurled; and hon. Gentlemen might be certain that the people of England would not recognise their colours. Their Protestantism would appear little better, after all, than a kind of bastard popery which they had stolen from the middle ages. He repeated the term; for all that the most stupid adherents of the Church of Rome would have made that church in the most barbarous times, they, in the nineteenth century, were for making the Church of England. Yes, they were arraying against Protestantism, the very causes which brought Catholicism to the ground. Papal despotism had been trampled under foot in many of the first and freest states of Christendom, because the proud prelates of that haughty faith would have trampled under their feet every species of secular right which interfered with their own authority. And what was now said?—what was now contended for? Why, that some of the best fruits of civil liberty should not be allowed to appear in Ireland, because it was feared lest they should interfere with our Church dominion in that country. This was arraying against Protestantism the causes which once laid Catholicism so low. He should now sit down; but before he did so, he was anxious to put a question to the right hon. Baronet who was then just entering the House. Was it true that that right hon. Baronet said, at no distant time, and on a great public occasion, that however he might venerate and respect the authority of the House of Lords, yet still these were not the times when the House of Lords could wage a successful contest with the majority of the representatives of the people? If the right hon. Baronet had said this, how could he reconcile it with the conduct which he was then countenancing and pursuing—a conduct which brought the House of Lords into a conflict which the right hon. Baronet had the foresight to see could not be successful with a majority of the House of Commons? There was one way in which, according to his Friends, the right hon. Baronet might escape from this dilemma. They said, "You don't know Sir Robert Peel—he sees that the Irish Corporation Bill must pass, and when he comes into office then he will pass something in the shape of a Tithe Bill if he can, and after that he will say—now the Church is, you see, in a little better condition, now I'll consent to passing the Corporation Bill." If the right hon. Baronet did mean to pursue this course, it would be fair now to avow it. But at all events he stood in this unpleasant predicament at the present time—according to himself he was periling the country, and according to his Friends he was deceiving it.

Lord *Stanley* began by remarking upon the desolate appearance the House presented, when a debate of that nature was before it. He did not, he said, wish to add much to what he had already said upon this subject. He did not hope to be able to attract much of the attention of the House, still less did he hope that any thing he could address to hon. Members could in the slightest degree alter the opinion, or at all events the vote, of any hon. Member. He was well aware that the House of Commons had by a majority varying from sixty-five to eighty, at different times, recorded its general acquiescence in the measure proposed by his Majesty's Ministers. That was a position which he did not dispute, but he was anxious before the discussion terminated to state why, notwithstanding that opinion of the House, he still persisted in his opposition to the third reading of the present Bill. He thought that the present state of the House would be a sufficient guarantee that he could not be tempted to trespass upon their time at any great length. In his opinion in the present state of society, and more particularly looking to the present state of the Church in that country, it was not safe to give to Ireland municipal institutions, or at least not to give them those municipal institutions which were given by this Bill. He rested his objection to the third reading of the Bill on the ground of the partial provisions of the Act itself; but he also objected on account of the present condition of Ireland, and on account of the state of society there. The hon. Gentleman who spoke last had charged the right hon. Member for Tamworth with the intention of adopting some specific course of proceeding upon his arriving at the possession of office. The hon. Gentleman had not told them at what period that would take place, if it would soon. The hon. Gentleman was better informed on the subject than he had been. But this he was satisfied of, that his right hon. Friend would not adopt any course as a Member of his Majesty's Government which he was not prepared to sanction if brought forward by his opponents. Now he would say that if he saw the Church of Ireland in a different position from that in which it was at present, much of his objection to the establishment of municipal institutions in Ireland would be removed.

Mr. *H. L. Bulwer* begged to explain. What he had stated was, the opinion delivered by some persons as to the course which the right hon. Baronet would pursue when he came into office—that he then perhaps might make the excuse of having passed a tithe measure, and that, having done so, then he might say, that the Church was safer than it was before, and consent to a Corporation Bill. He did not say that the right hon. Baronet would come into office—he did not say anything of the kind.

Lord *Stanley* was willing so to take the statement of the hon. Gentleman. That which the hon. Gentleman reported to have been stated by some persons he made as a charge against the right hon. Baronet of deceiving his countrymen as to the course he would take. His answer to this was, that the right hon. Baronet could not take any course in office which he was not prepared to support out of office. Let the hon. Gentleman call upon his Majesty's Ministers to take that course with the Church which they ought to do. What had his Majesty's Ministers done? they had put three questions together—the state of the Irish poor, of the Church, and municipal institutions. They had put forward one question as the popular measure—they kept back the other two—they did not tell them what they would do with the other two, although all were combined in his Majesty's speech. If the state of society in the two countries were the same, then all they would have to do would be only to look to the towns in Ireland to see what were their traffic, their importance, and their capability to bear without injury to themselves the cumbersome burden of municipal institutions. If the state of society were the same in Ireland as in England, then they would only have to apply the same law to that country which now existed in this, but the state of society, unhappily, was not the same in Ireland as in England. Without the least intention of putting an insult on any one, he must say, that there was a broad distinction between the two classes in that country; there were religious differences, and there was still more unhappily a broad distinction between the higher and the lower classes of society in Ireland. The differences were mixed up with every part of the social body; they entered into all relations of property; into all the relations between the higher and the lower classes —they were manifest on every question of social policy; they were mixed up with every political question. There was one point to which he wished to call the attention of the House. By the provisions of the English Corporation Act the magistrates in boroughs were required to take certain oaths that they would not use the powers they had as officers of the corporation for the purpose of weakening and endangering the Protestant Establishment. The clause requiring such an oath was omitted in the Irish Bill. He wished to know from his Majesty's Ministers whether this omission took place accidentally, or whether it was intentional? By the Act of 1829 Catholics were placed on the same footing with the Protestant Dissenters. In the first clause of that Bill it was declared, that all oaths inconsistent with the provisions of this Act were repealed. Such a provision as that was to be found both in the English and the Irish Bill. Both affected equally the Act of the 9th of George 4th. If the oath, then, were surplusage in one case, it was so in the other. But in the English Bill the officers of corporations were not exempted from the declaration that they would do nothing to injure the Protestant Establishment. Why, by the Irish Act were not they bound in the same manner? He should be glad to hear that there was nothing in his objection; but it was one that excited his suspicions, coupling it as he did with the declarations as to the manner in which the power given would be used. Then with regard to the qualification, what was done? Hon. Gentlemen opposite talked of similar institutions. When they required a corporate franchise in Scotland they required a 10*l.* franchise and six months' residence. In Ireland there was to be a 5*l.* franchise in every town, with the exception of some five or six towns. Why was it that in Londonderry, with 19,900 and odd inhabitants, they put down the franchise as 5*l.*, while in the smallest Scotch borough they required a 10*l.* qualification? He wanted to know whether the lower classes in Ireland were better educated, whether they were less liable to sudden gusts of passion, whether they were more cool and calculating, more remarkable for their discretion, their judgment, and foresight than the same classes in Scotland, that they gave the low rate of 5*l.* in Ireland, and withheld it from Scotland. Besides, in Scotland there was not only the 10*l.* qualification required, but there was also the payment of assessed taxes. It might be said in Ireland, that there were no assessed taxes. That was no answer to him; for it only showed that there ought to be a greater security for the qualification when they were unable to have that test. In England they did not require a qualification as to property; but then they required that a man should have a local residence of three years, and a continuous payment of the poor-rates. In England, then, they knew that practically this was requiring a 5*l.* qualification, and three years' continuous payment of the rates. In Ireland, then, were they to have the lower qualification and to dispense with the payment of rates? This was the argument of Gentlemen who told them they were to have in this a Bill on precisely the same principles as the English. They told him that there were no assessed taxes, and there were no poor-rates. There were not any poor-rates at present, but he trusted there would very soon be—he trusted it would be very soon. If the franchise in Ireland were to be below that in England and Scotland, the least that ought to be done would be to require that no person should be qualified to vote until he had paid not only the local taxes, but also his poor-rates. That, at least, would be the best test of qualification. What he saw done on the other side raised a suspicion in his mind. There were two notices given by the hon. Member for Kilkenny; one was, that the payment of poor-rates was not to apply to elections in Corporations; and next, that the rating was not to be produced to show the value of a house. The next point to be observed was the continuance of tolls, which would be under the management of the new Corporations. If there was anything more than another condemned by the Commissioners, it was the system of tolls—if there was one thing more than another abused on all sides of the House, it was tolls; and it was proved that they were promoters of riot and bloodshed in Ireland. Now these tolls were not to be abolished by any Corporation until they had satisfied the debts of the Corporation. He did not complain of that provision; but he thought it unnecessary. The Corporations would never abolish those tolls—their continuance would lighten the burdens upon their constituents; they would be paid by the agricultural population, with whom the corporators had no sympathy. The same case occurred in Carlisle, where the corporators took credit for bearing the police rate, without imposing any additional tax upon the inhabitants. They had effected this by exacting the tolls in the most unprecedented manner. Was it rational to suppose that the town-councils would take off tolls, when by continuing them they would save their own constituents from a burthen? Would they not rather more vigorously exact them? There were several other points on which he might touch, but he really was unwilling to detain the House. For example, he very much disapproved of a provision introduced in the present Session as a sort of compromise—he meant the mode of appointing sheriffs. He could not conceive a more objectionable method. The giving the appointments to the town-council was comparatively harmless. In the case of jurors the present Government had laid down a rule that persons elected to serve on a jury should not be set aside without cause being alleged. Could any man believe that the two lists of the town-council would be set aside by the Government? The Government had the power, but if they exercised that power he could conceive nothing more vexatious, more obnoxious, and hostile to the feelings of the population of the towns. If they did not mean to exercise the power, they had better leave it in the hands of the town-councils; but if they meant practically to exercise it, and really to keep the appointment in the hands of the Crown, they should honestly say so. The administration of justice in Ireland ought to be kept sacred; it should be kept free from all political and party prejudice which might overbalance its due administration; and to do that it was necessary that the nomination of the most important officers in the administration of justice should be kept in the hands of the Crown. With regard to the towns that were under this Bill to be incorporated, he was very doubtful of the advantage of extending the Bill to some of them. What were the opinions of these towns themselves? Had they all presented petitions in favour of the Bill? Not at all. From the town of Belfast a most important petition had been presented against the Bill. If they did grant Corporations, they ought at the same time give them duties to perform. They should not incorporate a set of men who would be a mere burthen on the towns, who would have the power of imposing vexatious tolls, and yet be in reality mere engines for the purposes of political agitation. He could not conceive upon what grounds they felt called upon to inflict on all these towns, whether they had corporate duties to perform or not, bodies of men who could serve no local purpose. There might, moreover, exist in those towns other boards who had duties to perform; and the consequence of this Bill would be, to raise in such places conflicting authorities. He could not see the justice or the propriety of establishing Corporations, the great majority of which would be mere normal schools of agitation, the constant source of political excitement and violence, for the purpose of effecting political objects. But in the present state of Ireland he objected to corporate institutions altogether. While he saw the Church in its present state he objected to all corporate institutions. They had been told that this Bill was intended to destroy the Church, and that it would be used as a means of destroying the Church. In the present state of the Church he believed it would be so used, and therefore, as a Protestant, and anxious to maintain that Church, while he saw it in its present state he would not give the lever to overthrow it. It was no reflection on this argument to say, that if he saw the Church placed in a situation of security as to its revenues—if he had not heard the dangerous doctrines of the Gentlemen who composed his Majesty's Government, and of the supporters of that Government—his objections, which were now inseparable, might in a great measure be modified. But even then he could not pledge himself to the present Bill, as it would still be open to objections. But he did say, that the question would be placed on an entirely new footing if they were able to deal with it in such a manner that his objections to it as a Protestant might be removed. With these views, and these views only, he would willingly yield to the introduction into Ireland of institutions which were not necessarily or precisely similar, but which should be analogous to those of England, and which, in his deliberate judgment, should be for the advantage of the people of Ireland. It was his fixed determination to oppose the Bill at this stage as he had opposed it at every other.

Mr. *Henry Grattan* said, the noble Lord has very properly stated his conviction, that nothing that fell from him would induce any Member to change their opinion on the measure before the House. He has said nothing on the subject of any weight whatever; his objections to the Bill, unimportant as they were, came too late; they should have been made in Committee, and not on the third reading, but it sufficed his purpose to raise a clamour against the measure, and complain of the want of civilisation among the people of Ireland as a ground of objection. This argument, and others of a similar nature, he urged with less asperity, and less success than usual. His attack was a failure, and his objection to the charge in the Bill regarding the sheriffs was futile. Would he have supported it if the power was vested in the council, and, as he says he would prefer it, why did he not support it when proposed to be introduced into the Bill? The old theme, that the Protestant Church would be endangered, is also brought forward by the noble Lord. This from a person who struck off at one blow ten bishops! Was that no encroachment? Was that not an attack on the Church—a very direct spoliation? And with what colour can he appear against this measure, on the ground that it affects the Church? The great objection, in fact the only objection, is, that the great body of the people who are to reap the benefit of this measure, are Roman Catholics; that is the sole objection, and as it has been the common and never-failing argument on every other measure that was intended for the relief of the Irish, so it will be found to be equally just, equally sincere, and equally successful. In fact, the liberties of the Irish are intolerable to Gentlemen opposite; they decry, they tear, and they hate them. It was as in the time of their predecessors, and, with little change, is so now. As this is one of the last days in which Ireland is to be brought up to your bar and receive sentence, I shall take leave to speak out, and I know that what I may say will not have any great effect on persons opposite; but knowing their history, and knowing the character of those Gentlemen, I shall trouble them with my opinions. To me it is of no personal import which side of the House governs—seeking for nothing from either side, I stand indifferent towards both, except so far as Ireland is concerned; and as a great principle is involved in the present law, I find both the interests of Ireland, her peace and her prosperity, are deeply involved, and a great principle is here at stake. Now, the Gentlemen opposite have uniformly opposed the liberties and interests of Ireland; they have not procured for her prosperity; they have not secured to her peace; and they have uniformly opposed the great principles that Ireland has unceasingly contended for. Therefore I take part with this side of the House, and as an Irishman, anxious for the honour and dignity of my country, I seriously caution the House and country against the Gentlemen opposite. There appears on that bench, five persons who have been Secretaries in Ireland. The hon. Baronet (Sir Robert Peel), number one—he failed; the hon. Member for Cambridge (Mr. Goulburn), number two—he failed; the noble Lord who moved an amendment on the second reading, (Lord Francis Egerton), number three—he failed; the gallant Officer (Sir H. Hardinge), number four—he failed; and the noble Lord who has just sat down—he, too, completely failed. He failed more conspicuously than the rest, because he failed before he changed sides, and he failed after he changed sides. These five administrators, I repeat, failed to govern Ireland with credit to the British Crown, or with satisfaction to the Irish people. Do they seek to try it again? If they do they will equally fail. They will do more, for they will exasperate

Ireland, and render the British Crown not worth wearing. The old and exploded system of force they would scarcely attempt to revive, though their partizans and their favoured journals declare they would. Look at the furious publications, rather fulminations, against Ireland that disgrace the press; the charges against the Irish people, their clergy, and their religion, so infamous, so disgusting, that I trust no Gentleman in this House would stand up to defend, much less to be connected with them. Look to their Irish press, and the journal that they patronise: speaking but a few days ago about the Duke of Wellington and the right hon. Baronet, this journal that had formerly recommended as a cure for Ireland, "some salutary blood-letting," goes on in the same strain and says, "We are happy in being able to assure the *Chronicle*, that not a shadow of a difference, at this moment, exists as to the mode of governing Ireland between any of the illustrious individuals whose names it has introduced. This country requires a strong hand, and, with the blessing of God, it will soon be made to feel it." Such being the repeated sentiments of Gentlemen opposite, it becomes our duty to put the people of England, as well as the people of Ireland, upon their guard. The right hon. Baronet would be weighed down by the violence of the party that surround him, and would be governed by a still more violent party—a noble Lord in another place. These men would be the governors of Ireland; these men, some of whom have told us, that they must be feared in Ireland, because they are not loved; "that they would not yield to clamour what they had denied to justice." These last sentences are the index of their feelings, and are remembered by the Irish people, against that party. The right hon. Baronet would in vain contend, particularly after he has shown how little he valued the principle of a great measure, and by what means he was induced to yield in 1829, for his words are not forgotten, when he said, that "he never took credit for passing the Emancipation Bill, that he voted for it now—for it was forced upon him." What a confession for a statesman! The right hon. Baronet would be forced to yield, or would try another game—an old and long tried one in Ireland—he would pass the measure, and then nullify it; he would give to Ireland the silent grant of an Act of Parliament, and the positive and active efforts to render the Act of no effect. The Ministers did so; they yielded to Ireland a free trade in 1779, and afterwards strove to deprive her of it; they yielded her independence in 1782, and afterwards sought to nullify every part of the transaction; they did so in 1793, when they admitted Roman Catholics by law to certain rights, and by their recent Acts deprived them of the enjoyment; they did so in the measure passed by the right hon. Baronet in 1829, for by this Act Roman Catholics are eligible, and yet not one has been admitted to our Irish Corporations; and it was not until a motion was made by my relative, the Member for Wicklow, in 1822, that it appeared how effectually they had frustrated the Acts intended to relieve the Irish—for not one Catholic had been appointed to the office of assistant barrister. Violence at one moment—duplicity at another—insincerity on all; this, this is your character—be assured it is known better to us than by yourselves. Now we, the Irish people, are determined to oppose you—we are determined—six millions of people are bound together as one man against you—not by an oath, but what is equal to an oath—the principle of national honour; no longer are we in the times of Boult, and of Swift, "hewers of wood and drawers of water," but freemen, and determined to be free. Here has arisen the hostility to the Irish Government—their attacks on Lord Mulgrave and his supporters; when Ireland got a Government friendly to the people, then Gentlemen opposite commenced a most unsparing attack; every subject, every appointment, every species of abuse and attack was resorted to. A grand petition from the Board-room of the Dublin Corporation was threatened, and an impeachment was talked of—where are they? where is the grand Master, the Lord Sergeant? His charges have evaporated—he fled from his own fire—he has on this occasion absconded. Sir, they oppose Lord Mulgrave because he is supported by the people of Ireland—because he governs for the people, and not for a party; he is the first governor since 1782, and in the short period of the Duke of Bedford's government in 1806, that has ever yet secured the affection of the Irish people. The integrity of his mind, and the justice of his disposition have obtained for his government, this support of the great body of the Irish, who feel attached to him, because they find him attached to a fair and impartial administration of justice. This has placed his government in the high station which it holds, and this will also secure it—and in vain will his opponents hope to overturn it—they can no longer terrify by their violence, or deceiv by their duplicity. Sir, on this occasion, I beg to complain of the unworthy mode of attack resorted to. The hon. Members for Bandon and Belfast advance the most unfounded and unmanly charges, and after that they abscond. In vain I sought for an opportunity to reply to their misstatements. I had letters from Mr. Cruise Smith, Mr. Berwick, and Mr. Cassidy. I assert, that the charges brought against these Gentlemen are unfounded, and that grosser misstatements were never made. Their conduct is, in the extreme, unparliamentary. They make an attack upon individuals just as high in character and respectability as the hon. Members themselves, and after that they abscond, and do not listen to the contradiction. They betake themselves to flight, and leave a wound which they have not the generosity to heal. Sir, I have a letter from Sir William Somerville, a man whose authority the Gentlemen opposite will not dispute, he stated the facts as to Mr. Smith, and negatived completely the charge of the Member for Bandon. The printed Report of the Committee of the House of Commons explains the case of Mr. Cassidy; and here is a letter setting forth the vote of thanks of the Conservative magistrates of the West Riding of Cork, headed by Lord Bantry, complimenting Mr. Berwick, and approving of his appointment by Lord Mulgrave. What becomes of the idle charges by Gentlemen opposite? I again complain of their conduct, and pronounce it unparliamentary and shameful in the extreme. The hon. Lord, with all his zeal to find fault with the Bill, passed over one point where I think a fair objection could be made—that is, the omitting the town of Wicklow in the Schedule; it was in last year's Bill. The funds of the Corporation are small at present, but in a short time a very valuable lease held under Lord Meath will expire, and their income may arise to some thousands a-year, and it would be just that the people should have a power to interfere, in the disposition of these funds. The town is ill paved and lighted, and the harbour most defective. These should be improved, and persons admitted to manage them—local officers who have a desire for the public good. Sir, it would be a waste of time to enter into the subject more at length; the question is one of principle, and the House is to decide upon what system it will govern Ireland. If you return to the old one of force, and fraud, and we are allowed to become the victim of that party that has injured the country since 1813, and whose Administration has been signalised by a repetition of failures, you go, Sir, to shake our obedience and to render the Irish crown of our King scarce worth the wearing. Mr. Fox said, I would rather lose Ireland than hold it by force—better get rid of her altogether than keep her fast by no other bond than fear. Her affections you may secure. Lord Mulgrave has gone a great way to regain what Gentlemen opposite have so often lost, and never can hope to recover. If this Bill be rejected elsewhere much mischief will ensue, and it will require all Lord Mulgrave's popularity to manage the affairs of the country and hold her together. Be assured, that in this House our numbers will augment the majority that will, I trust, ever turn the balance against Gentlemen opposite, and what now only averages from sixty-four upwards will shortly increase, it will be eighty—it may in time be ninety—and Ireland here will be the arbitor of the fate of your Administrations, though she may not be the victor of her own liberties. Rest assured, that at the next election the test sent to candidates will be a reform of the Lords, and a Repeal of the Union. This Act, such as it is, and the Act of Emancipation taken along with it, has placed Ireland on an equality as to right with England—in the benefit of these acts Ireland will insist upon—you must pass this Bill into a law, unless you mean to repeal the Act of Emancipation or the Act of Union. In every respect we are your equals—Protestant or Catholic there is no difference—the idle charge that the Church is in danger can no longer deceive. By their spirit, by their courage, aye, and by their arms, they obtained freedom, and bequeathed to you a glorious inheritance. That inheritance you justly pride. That inheritance we call upon you to share. We ask but perfect equality. We are too close to you not to be admitted by such an example. By your courage, attached to our Sovereign, we are equally attached to our rights, our privileges, and our liberties. We ask them from you as friends, and if you now refuse, the time may come when we shall win them from you by our swords.

Mr. *Milnes Gaskell* said, that he was unwilling the debate should close without having an opportunity of stating to the House, as shortly and clearly as he could, the grounds on which he opposed this Bill. It would be as absurd in him to attempt to defend the noble Lord, the Member for North Lancashire, from the charges of ignorance and incapacity which had just been brought against him, as it was discreet in the Member for Meath to make them. He would take leave, however, to tell that hon. Gentleman that he was labouring under the strangest misapprehension, if he supposed that he had made one single convert, either by his invectives or his arguments. He (Mr. Gaskell) had listened with great attention to the whole course of this debate: he had heard Gentlemen descant at great length upon the abstract merits of municipal institutions; he had heard them appeal to the fears of their opponents and to the passions of their supporters, and prefer charges of injustice and of insult against those who differed from them in opinion. But he had not heard one single attempt to show, that in the present social and political state of Ireland, it would be wise or politic to intrust any additional power to its Roman Catholic population. He knew the answer which would be made to this. Gentlemen would say, "That may be all very well, but you are too late with your opposition. This Bill is the natural and legitimate consequence of Roman Catholic relief. You no longer retain the means of successful resistance, and you had better acquiesce in it at once." Undoubtedly, if he (Mr. Gaskell) held that opinion—if he thought that, in rejecting this Bill, they were rejecting any implied obligation which the Act of 1829 had imposed on them, or that they were making any declaration of hostility against the Irish people, he should withhold his vote from the Amendment of the right hon. Gentleman (Mr. Goulburn). But he believed, on the contrary, that in supporting this Bill he should be acting in direct contravention of the spirit of the Relief Act; for if it were no part of the object of that Act to impose civil disabilities on the Protestants as well as remove them from the Catholics, then this transfer of political power, so far from being the natural and unavoidable consequence of the Act of 1829 was directly at variance with its spirit, and inconsistent with the terms which it guaranteed to the Protestants of Ireland. He knew that it was not a very pleasing task to take the unpopular side of any question in that House, and least of all upon one which bore the semblance of religious toleration; but the more irksome this duty was, the more essential it was to perform it; and if these attacks were to be made year after year, and session after session, upon the Protestants of Ireland, he trusted that neither their chosen representatives in that House, nor their hereditary guardians in the other House of Parliament, would be found to shrink from their defence. Now, how did the facts of this case really stand? for it was of great importance that they should have a clear understanding of the meaning of this Bill, before they consented to invade and violate the Protestant Corporations of Ireland, and convert them to the purposes which this Bill contemplated. What, he asked, was the object of Gentlemen opposite? What was the avowed and ostensible end which his Majesty's ministers themselves had in view? Was it or was it not the maintenance of good local government in Ireland? If not, why did they not openly avow it? If it was, why did they charge those who differed with them, as to the best means of attaining it, with intolerance and injustice? It was no very conclusive argument, however convenient it might be found in Ireland, to brand the most distinguished opponents of this Bill in another place with every epithet which treason and malignity could suggest—and it was no reason, because they chose to attach the nickname of anti-reformers to those who were not prepared to pull down one outwork of the Constitution after another, that they (the Opposition) were less sincere in their hostility to abuses, or less zealous in their attachment to the rights and liberties of the people. It savoured only, in his opinion, of the worst of every species of intolerance, that of calling in question the sincerity of other men's opinions, and arrogating the infallibility of their own. He did not pretend to know much about the history of these Irish Corporations, but he believed he knew this in common with every Gentleman who heard him, that the great majority of them were established for the express and declared purpose of upholding and protecting the Protestant interests in Ireland. The preamble of this Bill, indeed, carefully left out of sight all mention of those interests, but acknowledged that these Corporate bodies were constituted for "the quiet government of the cities and towns in that country." Did his Majesty's Ministers really believe that this Bill would tend to its maintenance? That a perpetual round of elections, and constant struggles between violent partisans, attended with all the asperities and all the bitterness which characterised election contests in Ireland, were likely to be found the best means of calming men's passions, and inducing them to pay obedience to the law? Was there so little of agitation in Ireland, that they must have this Bill to increase it? Was the general Association so powerless, were its principles so mild, that they could talk only of conferring civic privileges, when they ought to bring in a bill for its suppression? Was it the administration of justice which they sought to purify? Would the recommendations of town-councils be more impartial than those of judges? And if the Catholics had reason to complain that too intimate a connexion had subsisted between Protestant corporations and Protestant grand juries, would the Protestants have no reason to complain of that between Catholic corporations and Catholic grand juries which this Bill proposed to establish? Was it intended to make a transfer of property as well as power? If it was not, he should like to know upon what principle the majority were to levy taxes on the minority, when those taxes were chiefly paid by the minority. The injustice of this Bill was at least as glaring as that of the existing law, and would be found tenfold more injurious in its practical operation. What, then, was the inference which he drew from the plain scope and tendency of this measure? Why, that good local government was not the object of his Majesty's Ministers, but the increase of Whig influence in Ireland, and the domination of those who befriended them in that country for the attainment of their own party purposes. Did any man doubt this, who had heard the noble Lord, the Secretary for the Home Department, brand the Protestants of Ireland as "a miserable monopolising minority," and had heard his Attorney-General, the Attorney-General for Ireland (Sergeant Woulfe) say, that if this Bill was not suffered to pass, he should be unable to defend the Union with effect? Were they to be told after statements and declarations like these, made by the King's Ministers themselves, that equal laws were the object of this Bill? Or were they to be told, as they had been told before, that the sole ground of their opposition to it was the jealousy which they entertained of Irish demagogues, and the dangers which they apprehended from their uncontrolled dominion? It was not their fault that the name of the learned Member for Kilkenny was so often dragged into these debates. They were told, indeed, by the Gentlemen opposite, that they attached undue importance to his influence and position, but surely they were justified in retorting this charge upon those who made it, and reminding them that without his powerful support in that House, they would be out of office to-morrow. There had been a time, when some of the warmest supporters of this Bill, some of the most inveterate sticklers for what was now called justice to Ireland, shared in the apprehensions which they (the Opposition) now entertained. In the year 1824, a noble and learned Lord (Plunkett), now the Lord Chancellor of Ireland, then the Attorney-General of a Tory administration, was so deeply impressed with the importance of preserving unimpaired, the Protestant institutions of Ireland, that he used this remarkable language. He (Lord Plunkett) said, that he "would never sail in the same vessel with the hon. Member for Aberdeen and his friends to the high latitudes to which they proposed to run: nor could he agree to sail under sealed orders that might be broken at a time when he could not escape from their bark." No wonder at the malignant triumph of the enemies of those institutions, when they saw the King's ministers sailing in that bark—aye, and under sealed orders which might and which would be broken at a time when they were unable to escape from it—when they saw the King's Ministers in league with declared revolutionists, and sacrificing the dearest interests of the Protestant religion to conciliate the disturbers of the public peace. He knew that some Gentlemen were prepared to sacrifice those interests in the belief that more danger would accrue from withholding concession than from granting it, and in the hope that if they would but pass this Bill, then peace and tranquillity might ensue. What sort of peace was it that those Gentlemen would ensure to them? Was it security or protection to life and property? Was it the enforcement or resistance of legal dues? Was it the preservation of the Church inviolate, according to the terms of the Act of Union, which guaranteed an extension of the same laws, ecclesiastical as well as civil, to both countries? No—it was none of these—this was no question of peace or justice—it was no struggle for equality or compromise—but a struggle for ultimate supremacy. It was sought to undermine the Protestant institutions of Ireland by transferring the means of their support into the hands of their opponents. Surely it was enough, that the Protestants should be called upon to abandon their corporations, and to forfeit the privileges they enjoyed—surely, it was enough, that they should consent to dismantle forts which had been raised for the express purpose of their protection, without seeing a rival flag hoisted upon their ruins, and a hostile garrison supersede them. If he was told that such was the state of Ireland that no attempt at rational compromise could be successful—that such was the bitterness of religious dissension, and such the prevalence of party feuds, that it must be governed either by means of the Catholic majority or the Protestant minority of its population, he said at once, that deeply as he should deplore that alternative, he would rather govern it by the latter. He would rather govern it by those who were attached to the connexion between the two countries and anxious to uphold and to preserve the common institutions of the empire, than by those who were opposed to both. If this was being intolerant, he was content to be thought so, and would not share in the responsibility of those who supported the third reading of this Bill.

Mr. Sergeant *Woulfe* said, I think it impossible for any man to take a review of this debate, both on the present and on former occasions, when the same question was before the House, without being satisfied that the real, and indeed the only objection which is relied upon against extending to Ireland the municipal institutions which you have established in England and Scotland, is the fact that the majority of the people of Ireland are Roman Catholic. All that has been said in vituperation of priests, and exemplifying their interference in elections and on other similar occasions, would be totally irrelevant to the question, save so far as it tends to establish that this fact ought to be attended with this effect. It is very true, Sir, that in the course of the debate arguments have been urged which are independent of this fact, and apply equally to municipal institutions under all circumstances and at all times; but I am bold enough to say, that these arguments would never have been ventured into the field if they stood upon their single merits, and if it were not hoped that their infirmity would escape exposure under cover of the vague and misty terrors which hon. Members have endeavoured to excite through the medium of that fact. Who, for instance, in the absence of that fact, would have ventured to propound that the Municipal Corporations of Ireland have no legitimate functions to perform?—as if it were possible that urban communities, having a population ranging from 3,000 to 300,000 souls, could by possibility be found without local wants to supply, or local interests to further. Who would have ventured, in the absence of the same fact, to make it an argument against the extension to Ireland of the popular municipal institutions which you have given to England and to Scotland, that the local circumstances of Ireland made it necessary that they should vary, as established in that country, in some small particulars of their machinery, from the corresponding bodies of England and of Scotland?—as if the Corporations in Scotland did not vary again more from those of England than will vary from them the municipal institutions proposed for Ireland; or as if the merit or demerit of these institutions depended upon their conformity to any precise model, and not upon the soundness or unsoundness of the great principle of popular self-government common to them all. In the absence of this fact, no man, whose moral sense was not utterly perverted would have regarded it as consistent either with the principles of abstract justice, or the express stipulations of the union, that in England you should place in the hands of the people the management of their own affairs through the medium of corporations, which pervaded the whole country, which opened at the door of every man a field of honourable, if not exalted, ambition, which gratified the national pride, called into activity and nourished the habits which are the result and the best security of freedom, and, at the same time, increased their power and influence over the public councils; while in Ireland, a part of the same empire, equal by nature and by contract, you should wrest from the people the management of the most home affairs, subject them to a central administration which mortified their self-respect, which increased the power of the Crown, and not of the people, and, as between them and the other portions of the empire, deprived them of their just share of influence in the State. In the absence of the fact I speak of, no man could have thought this just, and no man could have thought it safe: no man who valued the union at a pin's fee, and who saw that the two countries are connected together, not by physical ties—for the sea rolls between them—but by common interests and social affinities alone, could have the hardihood to suggest a distinction which leads so surely and so fearfully to separation. It is the fact of the people of Ireland being Roman Catholic which emboldened hon. Members to advance these things: without that fact they would not have an inch to stand upon. It is the hinge of all their arguments. Now, how does that fact touch the question of Corporations? Natural connexion between them there is none; it is not pretended that there is anything incongruous between the Catholic religion and municipal institutions; it is not pretended that a Roman Catholic may not make as worthy a mayor or as goodly an alderman as a Protestant. The fact, Sir, bears upon the question thus, and only thus: it is said that these institutions carry power with them to the people; that the majority of the people of Ireland being Catholic this power will fall for the greater part into their hands; and, lastly, that they will exercise this power so as to increase the dangers of the church. Now, I will deal fairly with this argument. I admit that those institutions do impart power to the people. I say this not as admission, but as portion of my argument. I admit that they do make the public will more puissant in public affairs; I admit that they quicken public opinion, render it more authentic, more self-derived, more pure, and that they give it force, both by adding to its worth, and by supplying it with a constitutional organ for its expression. How far, however, this proposition is consistent with another which has also been advanced on the other side, to the effect that these institutions are mere trifles in the State, unimportant for good or evil, which it is no benefit to have, and no injury to be deprived of, is for the hon. Members who advance these conflicting propositions to reconcile. But let that pass. I admit, I say, that these new bodies will impart new power to the people of Ireland. I further admit, that the Roman Catholics of Ireland, being the majority of that people, will acquire in Ireland the greater part of this new power. I will even admit, for the purposes of this debate, that it will be divided between them and the Protestants of Ireland in the ratio in which they constitute the population. The fact, however, is, that the distribution will be not in the single ratio of their numbers, but in a ratio compounded of that ratio and the ratio in which the property and intellect of the country are divided. But I admit the fact of an increase of power to the Roman Catholics of Ireland. Is it not manifest, however, that the same circumstances which carry increased power to the people of that country have already augmented the power of the people, the Protestant people, of England and of Scotland? And is it not clear that the result must be the maintenance of the general balance of power in the different portions of the empire, if Corporations were withheld from all? But I waive this argument in this debate. I will admit the fact not only of a positive increase of power in the Catholics of Ireland, but of a relative increase. But here my admission stops; I deny that this increase will increase the dangers of the Church. I deny that any increase of power which grows out of equal and fair dealing can increase those dangers. I assert, on the contrary, that to withhold this power on account of the Church will more increase those dangers. I affirm that to make the supposed good or safety of the Church the cause or the pretence of establishing a distinction which affronts the public sentiment, will aggravate all the feelings which constitute the only danger to the Church. Wherein, I ask, do the dangers to the Church consist? They consist in the feelings which are incident to the anomalous position in which you insist upon maintaining her; they consist in those feelings which the right hon. Baronet, the Member for Tamworth, in 1817, declared were by nature inseparable from the state and history of the Church of Ireland, a declaration which he repeated in 1829. To inflict upon the people of Ireland political privations in order to maintain those anomalies cannot surely assuage those feelings. I quarrel not now with those anomalies; I object not now to the position in which you think fit to maintain the Church Establishment of Ireland; but surely the difficulties and dangers that are attached by the very ordonnances of nature to that position are sufficient to exhaust the cares and anxieties of her friends, without loading her with the odium of being the cause of national disparagement. Has the Church of Ireland not enough of difficulties to struggle with as it is. She is the richest Church, in the poorest country, with the smallest congregation in reference to the population in the world. Is not that enough! Are the arguments which her enemies draw against her from this position not sufficiently strong or plausible as they stand? Do you think it tends to her safety, publicly to proclaim that her well-being is incompatible with the civil privileges of the people? Why will you heap this additional odium on her head, you who profess to be her friends and are so solicitous for her safety? I do not affect to close my eyes to the difficulties of the Church, but there they are, and the only question is, how you can guard against them best. I deny that you can guard against them by any expedient human ingenuity can suggest, to deprive those who dissent from her of political power—you tried it in every shape and failed. If I had said these things some twenty years ago, I might be called up to prove them; but, as it stands, I assume it as an axiom in your civil polity. It is embodied into your wisest statutes; it is sustained by the authority of your first statesmen of all parties. The Act of Emancipation governs the present case, and the Act for the Reform of Parliament followed the principle of the Emancipation Act. Upon the discussion of the Emancipation Act the same question was at issue as at this moment, and it arose under circumstances exactly similar. The question then and now is, will you more increase the dangers of the Church by giving political power to the dissentients from the Church, or by withholding it? You then decided that it was safer to bestow it. You decided that the more generous, the more noble, the more Christian policy, was also the most prudent. Why will you recede from that policy now? Perhaps it will be said, that the circumstances of Ireland and the state of parties made concession inevitable in 1829; but are not all the circumstances of the country now similar to the circumstances of 1829?—If there be a difference, does it not consist exclusively in your greater inability to withhold now than then? Sir, there is not one of those facts connected with the state of Ireland and the feeling of the Irish people—there is not one of those great principles—which does not now exist, and equally apply, therefore, at the present moment. Is Ireland not as profoundly moved upon this subject as she was in 1829? The right hon. Gentleman stated, from his place on these benches, that at that period Ireland was in a state of extreme excitement and irritation—that at that period there existed a political association, or body, which had usurped all the powers of the law, which neither statute nor common law could put down and which it was necessary to put down by emancipation. What! is there no association at this moment of that nature? Was this the language of the right hon. Baronet on the other side, or not? Is Ireland at this moment in a state of irritation or not? And is this the whole of the argument which the other side have to adduce? It is impossible to view the state of Ireland at the present moment, and to compare it with what it was in 1829, and not to perceive that Ireland is animated by as strong, as enduring, and as determined a feeling now, on the question of these Municipal Corporations, as she was then on the question of Catholic Emancipation. Have we not heard that that very Catholic association, which had arisen in Ireland, had grown in 1829 so strong, that neither under the authority of statute law nor common law could the Government suppress or neutralise it? But the general association exists now in Ireland, and hon. Gentlemen will find it just as impossible to cope with that association as they did to grapple with the association of 1829; and you will as vainly attempt to reach it by statute or common law. Against the Catholic association you came forward with an Act of Parliament. You found it inoperative; yet the right hon. Gentleman declared and declared with truth, that the common law would not touch it. You will find that the demand in Ireland for this Bill will be just as great as that which arose for emancipation. The right hon. Gentleman stated that England and Ireland were divided on the subject of Catholic emancipation in 1829—that a majority of the people of England were in favour of it—that a majority including all the Roman Catholics were in favour of it. Is it not clear, and evident, and notorious that the majority of the people of England are in favour of this measure for granting to us Municipal Corporations? Is there not a majority of the Irish people in favour of it? But it is said, that the state of parties in this House made concession necessary in 1829. The state of parties, however, is stronger now for this concession than it was then for the other. Is there not a majority of this House in favour of the measure before you? And has it not been a continuous one—not in one Parliament or one Session, but Parliament after Parliament, and Session after Session? Is the public opinion of England less pronounced upon it than it was upon the question of 1829? The right hon. Baronet argued on the question of 1829, that the great division of opinion upon it among the people of England was to be collected from the fact that the House of Commons were for, and the House of Lords were against it. Is not the same fact observable in this instance? The House of Lords is now, as then, against the concession proposed. But it yielded, in 1829, on the Emancipation question, as in due season it will yield on this. I defy that House to produce a greater effect upon the opinions of a majority of the Scotch and Irish Members than it did in 1829. I have gone into this parallel, to show that the question before you is the same in 1837, as it was in 1829. The question was, whether it is advisable to make a large concession to the demands of the united Irish people, sanctioned by a majority of the British nation? The question now is, whether you will carry out the principle on which you conceded Emancipation, to the concession of these Municipal Corporations? The only point of difference which it is necessary to mention between the circumstances of the two periods is, that in 1829 no Ministry could be formed upon the principle of resisting concession; that they would be unanimous in proposing a vote of relief to the Roman Catholics—to their disabilities. I should like to know, Sir, whether in 1837 you could form an Administration from the benches opposite, even, which would be unanimous in refusing Municipal Corporation to Ireland? Why, Sir, the hon. Gentlemen differ among themselves *toto cælo* on that subject. One party does not like these institutions; another party is very favourable to them. It remains to be tried if such an administration can be formed now. I venture to predict that it cannot—I venture to say, that the differences upon the subject among hon. Members on the other side would soon render this an open question, if they ventured to take power without adjusting it; and the best step to complete the parallel in the history of the two measures will be, that hon. Members will themselves propose the measure they now resist. Sir, the noble Lord the Member for North Lancashire, in his speech, has paved the way for a retreat upon this question. He says he is not opposed to the establishment of Corporations in Ireland in proper time, but this, he says, is not the time. This, at least, admits the principle of the measure, and saves his inconsistency if he should hereafter bring it forward. It is for the noble Lord to say, having admitted the principle, why this is not the time, or when the time will come. He says, when the Church questions are adjusted. But when are they to be adjusted?—and is it not the doctrine of the hon. Members who sit near him that they never can be adjusted? Is it not the r creed that the Catholics are insatiable and never will be satisfied till the Church be actually uprooted? When, then, will the Church be put into that state which the noble Lord considers as necessary to sanction the present measure? And how are we to know that it is come? Why did he not explain what that state was, that we might claim the fulfilment of his promise when it was achieved? As it stands, the noble Lord may, or may not, at any future time support the present measure as he chooses. When reproached by one party or the other, either for bringing it forward or opposing it, all he has to say is, either that the time has, or has not come. Sir, there was an observation of the noble Lord to which I must advert before I close. He objects to the absence from the present Bill of the oath to be taken by Roman Catholics in lieu of the oaths that were formerly required upon the admission to Corporations. I must say that this objection comes very tardy; it is a year since the Bill came before the House, and the objection was never before started. Sir, I have no hesitation in saying, that if it would gratify the noble Lord, or any of his friends, that the oaths should be taken by the new corporators there, and the substituted oaths should be taken before they become councilmen or mayor, a clause shall be introduced to that effect. But let me remind the House, and the noble Lord, that the practice of taking oaths upon every occasion has been of late years discouraged by the laws; it has been considered that the perpetual and recurring habit of swearing oaths has tended to bring them into disregard; and it was upon that principle that the present Bill omitted to require these oaths. Impressed with these opinions, I shall vote for the third reading of the Bill.

The *Chancellor of the Exchequer*: I do not wish to deceive the House, as to the question which we have really to determine. We are called on to decide whether we will give a third reading to this Bill, or whether we will leave the people of Ireland to those existing corruptions which, it has been fairly acknowledged in another place, are too gross and exclusive to be capable of being defended or upheld. It is now some time since a Bill passed into a law which stayed the corruptions that had long been practised in many Corporations of this country, and which happily arrested the progress of their mal-administration; and this, avowedly, on the ground of their want of trustworthiness. At the same time, Ireland remained, and still continues, subject to this exercise of these corrupt practices, on the part of many of the Corporations,—to this mal-administration of the affairs of the communities they are set over,—and to this excluding spirit, which the great purport of the Bill before us is to remedy. Hon. Gentlemen on the other side tell us they object to this Bill, because it tends to substitute one exclusive domination in towns for another,—to take the exclusive dominion in Corporation affairs out of the hands of one set of men, and to place it in those of another. Therefore, they admit that the present system of Corporation government in Ireland is an exclusive domination. But they forget that, though the event of extinguishing it were what they anticipate, they utterly fail to establish the hypothesis on which they proceed, and in which, though distinctly avowed by them, I utterly and completely dissent from them: namely, that it is not fitting that the transfer should be to those who represent the many. It should be recollected, that in the one case this dominion is in the hands of a small minority; and that, in the other case which we have it now in contemplation to provide, this power will, at any rate, be given to the larger masses of the people. Has any Gentleman in this House—has even the right hon. and learned Recorder of Dublin, to whom I appeal, as peculiarly representing the Metropolitan Corporation of that city—has even he, or any other hon. Member, ventured to defend the conduct of these Corporations? No, Sir; none have done so. Why, then, it seems to be agreed, on all hands, that the present corrupt state of things should be done away with. But I go further, Sir; and I, and those with whom I have the honour to act, wish that something better should be substituted in its stead;—whereas, the proposition of the noble Lord the Member for South Lancashire (Lord Francis Egerton) is not, indeed, to continue the present Corporations, but to substitute something worse in the place of those bodies which he desires to abolish, on the very ground of their corruption. I may venture to congratulate those who are friendly to the present Bill, upon the fact that this measure is carried. The arguments used, and the principles acknowledged, by hon. Gentlemen opposite, in the course of this debate, have put an end to all doubts as to Municipal Reform in Ireland. It is admitted. It is now only a question of time—a question of expediency. But they will not give to us, the triumph, they will not give to us who acquired Municipal Reform for Scotland, the triumph; they will not give to us, who acquired Municipal Reform for England, in spite of all their efforts, who denied the expediency, and protested against the danger of putting the affairs of our municipal communities under a more popular superintendence;—they will not give to us the triumph of effecting the same reform for Ireland. They will not give to us the triumph, who have carried so many questions, involving liberal and constitutional principles, the most essential to the welfare and happiness of the public. No, Sir, they will not let us carry the Bill. But, I repeat, it is only a question of time. This was, in fact, admitted in the speech of the right hon. Member for the University of Cambridge (Mr. Goulburn). Carried this question is; carried it must be; carried it must be for the benefit of Ireland;—but carried not by us, but by them. But will the result be the same if the Bill shall be carried by the hon. Gentlemen opposite? Are they prepared to go on still in the same course which they have been so long treading, proposing measures one day, and acting in direct opposition to them the next? Are hon. Gentlemen, who flock down to record their votes against this measure to-night, prepared for what is even now preparing for them? Are they aware that though they are called down to-day to oppose the measure now before us, they will probably be called down some other day to carry it? Were ever arguments advanced so shifting, so slippery, as those which have been urged against the principle of this measure? See what they amount to. "The present time is not the time," says the noble Lord opposite; and so say his hon. Friends:—"the present circumstances are not the fitting circumstances—let us first see what can be done with the question of the Church." In his great zeal for the Church he cannot find time to have any thing to do with the Municipal Corporations of Ireland. But, considering that we are now discussing the Irish Municipal Corporations Bill for the third time, I must say that they who espouse this view of the present question should remember that, when we first discussed this Bill here, no danger was apprehended by them as likely to result from it to the Church of Ireland. Two years ago, when this question was first formally brought before us, if danger menaced that Church by reason of this Bill, it must have equally threatened it then, as now. But two years ago nobody spake of danger to the Church of Ireland: it was not then thought of, either here, or in another place which I am forbidden to name. Last year, perhaps, the magnifying glasses of the right hon. Member for Cumberland (Sir James Graham), certainly the most far-sighted Gentleman in the House on all these questions, may have been put on, and have enabled him to descry, afar off, this danger. But that "the Church is in danger," was not the ground taken by Gentlemen on the other side last year. I recollect that when, in the discussion of last year, I first suggested that argument which has been so irresistibly stated by my hon. and learned Friend the Attorney-General for Ireland (Mr. Sergeant Woulfe) to-night, namely, that there could be no real objection to this measure among Gentlemen opposite, except it was the objection founded on the religion of the great mass of the Irish nation,—that argument was scouted by those benches as an illiberal misrepresentation of the views which they really entertained. And yet, Sir, we find that it was reserved—I will not say to the eleventh hour, but to a time past that eleventh hour—for the curious penetration of the right hon. Baronet to discover that, in this Bill, there did lurk that very principle of danger to the Church, which his hon. and right hon. Colleagues had repudiated. But, give me leave to ask, Sir, if there actually do exist this danger to the Church of Ireland, is that, or any other danger which may attach to the measure before us, equal in amount to that which must result from the aggravation of spirit and disappointment of heart which must ensue from the refusal of this boon? We Irish are a peculiar people; and, if the House will allow me to speak simply as a native of Ireland, unconnected with office or with party, I would venture to tell hon. Gentlemen that they little know the character of the people of that country, if they do not carry with them, into all their discussions, the knowledge of this fact,—that, of all things, an insult is that which the people of Ireland will least submit to, or overlook. We are a very sensitive people. We bear much, perhaps, in the way of actual injustice; but if you arouse our national pride,—if you tell us that we are unworthy of these institutions,—that we are so despised as to be thought either unfit to be trusted with, or incapable of exercising, them,—that argument is one which, depend upon it, the Irish people will long remember. But, Sir, not only is the argument which has been raised one that goes to affect the national feeling of the Irish, but it attacks that nationality in the most sensitive point, namely, the religion of the great mass of them. I take upon myself—an Irish Protestant—to disclaim those sentiments which hon. Gentlemen opposite, and, among them, an hon. and Gallant Officer opposite, have advanced, as claiming to represent the Protestants of Ireland. I disclaim them as the representatives of the genuine feelings of that body; and I say, that I feel, for my part, an insult thrown upon the Roman Catholic body with as much acuteness as if it were thrown upon those of my own religion. For what is the argument? We are not to look at this as a question affecting Ireland only as regards the Protestant part of the community, but as regards, also, the great Roman Catholic majority. If we, by our conduct on this occasion, intimate to the Roman Catholics that they are less entitled to our respect than their Protestant brethren, I contend that we shall deserve all the consequences which must inevitably flow from such an intimation. How, then, is this House prepared to act on the present occasion? We are called upon, after admitting, in the cases of Scotland, Ireland, and England, that the system of self-elected Corporations is one which cannot be vindicated, to vindicate and continue that very evil;—first, it seems, because we are Irishmen; and, secondly because the Roman Catholics comprise about three-fourths of our whole population. My noble Friend (Lord Stanley) says, he has many objections to take to the Bill. I wish he would state to us, distinctly, whether it is to the principle or to the details that his objections are confined. But if it be their object that the Bill should be debated, and affirmed or rejected on its principle, was it a fair course, I would ask the noble Lord and his hon. Friends, that they should have abstained, on the second reading of the Bill, from all objections of this sort; and then, on the question of the third reading of the Bill, bring forward arguments really applying to its principle, not to its details? We are fighting for that great principle, who now advocate the third reading. If my first position be well founded, that they are really intending, at some time or other, to carry this Bill themselves, then I am right in protesting against the mode of proceeding which they adopt, and *cadit quæstio*, I admit; but I take this simple mode of ascertaining the fact. If such be not their intention—if they do not mean to carry the measure,—then, I say, take this as a sample of the other measures which you may expect from them in administering the Government of Ireland. The principle on which we have gone, intend to go, and ask the House by its vote to affirm, is, to place the municipal power in the hands of the mass of the people. Are hon. Gentlemen opposite prepared to govern Ireland by withholding their confidence from the Irish people? Do they suppose that Ireland can be governed by such a policy? Let them be assured, that their objections to our principle come too late, if even they were good for anything. We have been parties, already, to the giving to the majority in Ireland political power; and many of the Gentlemen who opposed the present Bill have been the parties to enable the Irish people to influence the decisions of this House, by sending so many Members into it. Those very Gentlemen, who supported the Irish Reform Bill, now contend that it is inexpedient to pass this most necessary measure for the reform of Irish Municipal Corporations. Do hon. Gentlemen opposite remember the speeches which used to be made from the benches on the other side? Do they recollect what was said by the hon. Member for Cavan? Do they recollect the agreeable futurity of which he held out to us the prospect, in the event of our refusing to pass this Bill? Do they recollect, that he told us at the time that, in future elections, there would be sure to be at least thirty-two additional Members returned by the mass of the Roman Catholic constituency? Do they recollect that these seventy or eighty Members for Ireland alone (for to that number will the advocates of our measures, be found among the Irish representatives, now to amount), are about to read to us this lesson (and what can be more important to the constituency),—that the rejection of this Bill has its origin in nothing but the distrust which some among us entertain of the religion which they and their forefathers have loved and cherished for so many centuries? Do they suppose that the measures of the Legislature can be well prepared and properly supported, or that the functions of the Government of this country—whatever party may be in power—can be properly carried on and exercised, if they attempt to lay down a principle which can have a tendency to produce such a result as I have adverted to? I contend, that under such principles, the Government of this country never can be administered. But we are offered an alternative; which alternative we are not, on this side in a condition to accept,—for it resolves itself into the rejection of this Bill. But now I wish to refer to the alternative which has been suggested, and which is this,—that the principle of the Bill being similar to that under which certain local or civic bodies were formed under the Act of 9th George 4th, who would fulfil all the functions that were requisite for local government, these Municipal Corporations are not necessary. I should like to know whether, after refusing to the people of Ireland the establishment of Corporations, founded on no more extensive powers than those which have been conferred on Corporations in England, the feelings of the Irish people will not be highly exasperated; and whether these bodies, to be formed under the 9th George 4th, would act efficiently? Why, Sir, talk of normal schools of agitation, I would get them up under the provisions of the 9th George 4th, (exasperated as the people then would be by the refusal of Municipal Corporations)—I would give them Commissioners armed with powers that should be more active and more mischievous in their operation than anything which can result from the establishment of Municipal Corporations. And why will the case be so? It will be so because those persons, to whom the powers under the 9th George 4th were given, would come into office excited and enraged by the sense of the injustice they had experienced. But we have approached other subjects. We have been told, that the Ministry are supported only by small majorities, and that those majorities are caused by the votes of Irish Members. I have always refused to attach any weight to the assertion which goes to attach a particular value to the votes of hon. Members either for Scotland or Ireland. I say that that argument is one which is inconsistent with the character and privileges of the House, and the freedom of debate; and it is equally inconsistent with anything like fair reasoning. Do not hon. Gentlemen know that they dare not fight with us on this question? That they are obliged to frame another question, upon which they think there is a stronger ground to raise the cry of "the Church in danger?" That cry has been often raised by some hon. Friends opposite me; but it is now raised, I will say, with as little truth and decency as ever it was raised before, by them or for them. Do not those hon. Gentlemen opposite know, that on this side of the House there are Friends whom they have left, or from whom they have separated, who are as earnestly and sincerely attached to the Church of Ireland as any men can be? And, for the correctness of this assertion, I feel that I can appeal to my hon. Friends opposite. But there is this distinction between them and those on this side of the House,—that, whilst we are all equally attached to the Church, some among us are better acquainted with the subject than our adversaries; and none among them can have a better knowledge of the dangers which must arise, if this prediction of theirs were likely to be fulfilled, than we have. There is nothing on which the people of Ireland have more completely set their hearts, than the acquisition of these Municipal Corporations. I will ask if ever there was a more trumpery attempt made to connect two subjects essentially distinct, than that which we have heard to-night? Some hon. Gentlemen contend that, in the paragraph contained in his Majesty's Speech, three measures were referred to, as necessary to be considered on behalf of Ireland; namely, one relating to the introduction of Poor-laws, the other to the settlement of the question of Municipal Corporations, and the third to the settlement of the tithes and the Church question. Surely, Gentlemen cannot have been led into such an error as to say, "because these three measures were united in the King's Speech, that, therefore, we have a right to consider them as one measure, and to discuss them as one measure, and we will not vote for any of them apart?" Connexion between the questions of the Church and Municipal Corporations? Where is the connexion between the one measure and the other? Suppose we had not introduced the measure for Poor-laws, and suppose it had been said "we cannot discuss the Municipal Corporation Bill till you give us the Bill for the introduction of the Poor-laws:"—why, there is no earthly connexion between the two Bills. And, whatever may be surmised in respect of another question, hon. Gentlemen may be assured that it is the intention of his Majesty's Government to introduce the subject of tithes again, and I will put them in possession of that fact; and I can assure them that his Majesty's Government are not disposed to shrink from the responsibility of such a measure, which they will have an opportunity of considering in the present Session. I have a great respect for the right hon. and learned Recorder for Dublin, to whose talents, ability, and uprightness, I readily bear testimony; yet, if I were required to "march through Coventry" with such a troop as he has to follow him, I should be very sorry to give the Church so bad a chance of enlisting champions for its cause. It is said, however, that these Corporations cannot be established without great practical danger and continued agitation; and the name and power of the hon. and learned Member for Kilkenny have been certainly resorted to in reference to this point: and it is said that the Government have made that hon. and learned Gentleman a powerful man. But I will contend, that they who use this line of argument make him much stronger than he otherwise would be. The hon. and learned Gentleman has only to direct a single casual observation to the notice of the House, and there is not an hon. Gentleman on the opposite side who does not feel himself immediately bound to vote in opposition to him. It is urged that the hon. and learned Member for Kilkenny has said, "Give me Irish Corporations, and I will achieve all the rest." Hon. Gentlemen opposite refuse to do this; and they thereby enable him to say, in every place entitled to a Corporation, "I did my best to give you Municipal rights in every part of the country, but hon. Gentlemen who usually sit opposite to me in the House of Commons refused to give you this advantage." By this course of proceeding, I am prepared to show that you give to the hon. and learned Gentleman a greater lever on the public mind than he ever had before, or could have in the Corporations which this Bill goes to establish. The effect of this Bill will be to engender in the minds of the Irish people a greater disposition to look into local concerns, without regarding the speeches of hon. Members on either side of the House; a disposition which our long sustained and corrupt system of governing Ireland has so much discouraged, to the infinite mischief of that country. The argument which was so well raised by the hon. Member for Liskeard, on a former occasion, was, that the general principle of this kind of measure was good, but that it was absolutely irresistible as applied to Ireland. We are teaching them now, by our own example, that, carried out into execution, it must be of the utmost possible benefit to that country. The right hon. Gentleman who spoke first in the debate, and whose speech has since been alluded to as if he had moved an amendment, though that, in point of fact, was not the case, has referred to the reasons advanced by the House of Lords, during the last Session of Parliament, for adhering to the amendments they had made in the Bill then sent up to them. The reason particularly referred to was this:—

> The Lords still entertain the hope that the two Houses of Parliament may, at no distant time, devise such measures of Reform in the administration of local affairs as may give real contentment, by effecting real improvement, by promoting social and religious peace in the cities and towns in Ireland.

Now if the Lords really entertained the hope expressed by them in that reason, do not hon. Gentlemen opposite see that, by their endeavours to defeat the Bill now before them, they are, in point of fact, depriving their Lordships of the opportunity of adopting a measure which would have the effect of realising their thus avowed expectations? Before I conclude, it is impossible that I should not refer to something which has recently appeared in a public print, namely, a declaration coming from an old friend of theirs, stating the true principles on which the present Bill is framed, the true principles on which it is supported, and the true principles upon which, I will venture to say, it will sooner or later be carried into a law. The statement to which I allude has been attributed to the hon. Member for Derbyshire (Sir George Crewe); it has appeared in several of the public prints, and I do not find that the hon. Baronet has ever subsequently disowned it. It is contained in an address to the constituency of Derbyshire. To that address, let me entreat the earnest and serious attention of the hon. Gentlemen opposite, before they give their vote this night for the absolute rejection of the Bill. It is in the following terms:—

> I could not reconcile the plan proposed by the party with which I have the honour generally to act with my own interests, either as to

the justice or policy of refusing the demand of Ireland to receive an equal participation in civil rights and privileges, which has been fully granted to England and Scotland. As upon the result the present Government had voluntarily staked their existence as Ministers of the Crown, I felt there was the more urgent need for me to be jealous of my own character, in fulfilling stoutly the only pledge I ever made to the public at my election.

Now, Sir, I ask the hon. Gentlemen who are about to vote against the Bill, whether they can reconcile that vote with a sense of what is due either to justice or to sound policy? Is it just or politic to refuse to Ireland those claims which have already been proved to be just and fair, by their being conceded to other parts of the empire? I know that many Gentlemen differ from the Government upon the question of the Established Church; that a strong difference of opinion on that subject exists among different classes in this country. There let them take their stand; but here, where the Church question does not enter, except where it is forced, with the view of gaining the votes of an hon. Gentleman in aid of a bad cause, I do ask the House to give its support, and to declare that the Irishmen, on whom many Parliamentary rights have of late years been conferred, should not be deprived of those local and municipal rights to which the rest of the empire has been admitted. Let it not be said to the people of Ireland, "We have given you the greater right, but will continue to refuse to you the less." I may venture, perhaps, for one moment, to speak to the House in the capacity of a witness. I am an old municipal reformer; I am, in fact, the first person, connected with Ireland, who ventured a struggle with the old corporations of that country; I took up the quarrel as a young man and conducted it, perhaps, with something of the over-excitement of a young man; but I fought the battle unaided, and I was stout enough to conquer. The corporation to which I allude was that [of the city of Limerick, with respect to which I applied to Parliament, (I gave up five years of my time to the attainment of my object,) not merely for an authorized statement of the result of a contested election, but also for a remedial measure of legislation, embracing a law for extension of the franchise. A Bill was accordingly introduced and carried, in spite of all the opposition offered to its progress by a strong party in this House. But what was the character of evidence given before the Committee who sat upon that Bill? I speak in the presence of several Gentlemen who attended upon the Committee, and who will be able to bear testimony to the correctness of my statement. The greater part of the evidence went to this:—"If you carry this Bill—if you open the corporation — above all, if you admit the Roman Catholics to the municipal franchise—if you allow large meetings, of mixed bodies of the citizens, the peace of the town cannot be maintained—the laws cannot be administered." Old magistrates were presented before the Committee to prove these facts; and even military officers, who had served in Ireland, were called to show that, if these extended privileges were granted to the city, the whole body of troops employed in that part of the kingdom would be insufficient to maintain the peace and secure the administration of the law. But the Bill passed into a law, notwithstanding all the heavy denunciations which were heaped upon it, in its progress; notwithstanding the powerful hostility of its eloquent opponents, the learned Members for Huntingdon and Exeter. And what was the result? What has been the state of the city of Limerick since the passing of that measure ef extensive municipal reform? Compared with what it was before, it is now in the happiest and most flourishing condition. In place of all the disturbances—all the turmoil—all the excitement and exasperation that formerly existed, with regard to the whole details of its internal government, the complaint at the present moment is of a very opposite description; and the only difficulty experienced is that of finding persons sufficiently interested in the local affairs of the city to undertake the duties of corporate councillors and officers. Now if I can show one single example of the complete success of the experiment of municipal Reform in one of the largest cities in Ireland—an example beyond all doubt or gainsaying, it is worth a thousand of such arguments as have been advanced by the hon. Gentlemen opposite. Let it be remembered that the system of municipal corporations, with whatever vices and deficiencies accompanied, has long been known in Ireland. Why, then, should you hesitate to confide to the people those institutions, under a Reformed system, the excellence of which you admit in their application to all other parts of the United Kingdom? The Irish have endured the tyranny of Cromwell; they have suffered under the arbitrary oppressions of Lord Strafford. Do not put upon them the needless insult of withholding from them a benefit to which they are so well entitled. I regret that I have been compelled at this time of the night to occupy so much of the time of the House; but again I say to the friends who uniformly support the measure, "Let us stand firm to the measure we have supported—let us acquire a new confidence when we find that the grounds of opposition now taken by the hon. Gentlemen who oppose us are only grounds laid for their own future support of the measure." To the hon. Gentlemen opposite I will again say, "Hesitate before you give a decided negative to the measure now; when you must know, endeavour to disguise it from your own conscience as you will, that a proposition constantly supported, as this has been, by majorities of the House of Commons ranging from sixty to seventy, must ultimately be carried." You are arrayed on the other side against us, to-night, but the time is coming when we shall see you our supporters.

Mr. *Shaw* said, he would not at that late hour attempt to follow the right hon. Gentleman through his lengthened speech; he knew the House and the subject were exhausted. He was conscious, too, how frequently during the progress of the measure he had trespassed on the attention of the House, and he was reluctant to trouble them at all on that occasion; he would do so as briefly as possible, in answer to some of the observations which had fallen from the right hon. Gentleman opposite. He could not, however, but think that the real bearings of the measure were not yet understood, and that the House and the country (he particularly meant England) were still unaware of the precise character either of the proposed Bill, or of the nature and limited extent of the opposition which was offered to it. First, he must advert to the fallacy of the right hon. Gentleman, that those who, on that side of the House, admitted that the ancient Corporations should be abolished, were, on that account, bound to support the third reading of the present Bill. No; it was they who had offered the alternative, and the Government, who, if they had desired to abolish the existing Corporations, were bound to have adopted that branch of it, by dividing the Bill, and agreeing to the part in which his side of the House concurred. But surely it was erroneous reasoning to say, that because they were willing to remove the less evil of exclusiveness even from the hands of the known friends of British connexion and the established Church, they were to incur the greater evil of transferring that exclusive power to those who, as had been said by his hon. Friend the member for Wenlock (Mr. Gaskell), were notoriously and avowedly the enemies of both. It was then said by the right hon. Gentleman (the Chancellor of the Exchequer), as well as by the Attorney-General for Ireland, that the objection urged to the passing of the Bill was the fact of the large mass of the Irish people being of the Roman Catholic religion. That depended upon whether or not that was the cause of another fact which was, beyond all controversy—namely, that the people of Ireland were divided into two great contending parties, marked, no doubt, by the difference of religion—but still taking their rise from a period antecedent to the distinction between Protestant and Roman Catholic. The right hon. Gentleman was historically incorrect in stating, that the first corporate charter was granted in Ireland in the reign of King John—it was, in fact, granted in the reign of Henry 2nd—though by Prince John, then Lord of Ireland. The truth was, that in their origin, their purpose, and their practice, the Corporations of England and Ireland were essentially different. In England, during the long struggle between prerogative and privilege, and the arduous contests which engaged the attention of the King, the nobles and the clergy, the townspeople were gradually accumulating wealth and acquiring influence, and undoubtedly their subsequent incorporation raised a new balance in the constitution, and served to diffuse freedom and independence more generally throughout the mass of the community—and industry increased, and trade and commerce flourished. The principle of local government was established amongst them. In England, even, the danger will scarcely now be said to lie on the side of the privileged classes. But in Ireland, the whole origin and object of Corporations were entirely different. There, from the earliest grants of Henry

2nd to "his men of Bristol," municipal institutions were established in the nature of garrisons in a hostile country—expressly for the defence of the English pale. They were continually occupied in warfare—military services were the consideration of the charters and patents granted to them. These were full of acknowledgments, not of their improvement in trade or the performance of corporate duties, but of their faithful allegiance, and the blood and treasure they had expended in defence of the British Crown and Government; and to this day the legal title of the Lord Mayor of Dublin was Admiral of the Port and Military Governor of the City. In the same spirit of the reformation, new corporations were granted, and charters passed for the express purpose of maintaining and encouraging the Protestant religion, thus superadding a difference of religious faith to the previously existing distinction of a different descent from that period to the present. The Irish Corporations had been regarded by both parties in the light of engines for political and religious purposes alone; and other functionaries had, in almost every case, discharged the ordinary corporate duties of local management, such as paving, lighting, watching, and so forth. It was in the hands of those existing boards and commissioners that he desired to leave those functions, at all events, for the present. He and his friends were willing to surrender those exclusive political and religious privileges to the charge of which had been set down so much of animosity and ill-will; but they said, at least, allow time to obliterate those recollections. The right hon. Gentleman had referred to the part he had taken personally with regard to the abolition of the existing Corporations, and he might be permitted to say, that it was an easy matter for those who possessed their confidence, to induce the old Corporations to forego their ancient rights, and to surrender those customs and privileges to which their ancestors and themselves had for ages been accustomed; but it would be contrary to all reason and common sense to expect that they could patiently, or without the most rankling irritation, see them made over to a rival party. They desired no terms but those of perfect equality. Provide for all corporate purposes, and then, as under the 9th George 4th, they would not object to a considerable popular control. Let justice be equally and impartially administered by officers appointed by the Crown. Let tolls be abolished, and such property as remains be applied to all the inhabitants of each locality. Under these circumstances, we are told that Ireland is insulted and degraded by the proposition to abolish the existing Corporations, and not for the present to erect new ones in their stead. Now be it recollected, we have never contended that a time may not come, as was said by his noble Friend (Lord Stanley) that night, when under different circumstances, and when a period shall have elapsed sufficient to have softened or removed the personal, political, and religious animosities now in the minds of both parties — connected with not only the nature, but the name of the existing Corporations, there is nothing to prevent charters being granted to such cities or towns as may desire them at any future time. The trifling property they possess was to be preserved for strictly local purposes, and it would be as easy, at any time hereafter as at present, to confer, by Act of Parliament, the power of local taxation, if that should be deemed desirable; they objected to a transition so sudden, so rapid, and so violent, that it could not but be dangerous. The right hon. Gentleman (Mr. Sergeant Woulfe) had accused his (Mr. Shaw's) side of the House, of having raised the cry, in connexion with the present question of the Church being in danger. He denied that they had raised any such cry; but if they had, they would have been justified. The right hon. Gentleman, and his colleagues, had done all in their power to bring the Church into danger. The very measure had been described by the hon. and learned Member for Kilkenny as only an instalment, and he accepted it only as a means of getting more. The Ministers were willing to give such measures as were injurious to the Church of Ireland, while they delayed and kept back all measures of substantial practical relief. To such measures he and his Friends were always ready to give their best and unbiassed attention—he meant such measures as those for the settlement of the tithe question, for the relief of the destitute poor, for the development of the internal resources of the country, or any other measures not intended to serve a mere party purpose, but such as were really calculated to promote the permanent peace and prosperity of that apparently ill-fated portion of the United Kingdom.

Mr. Brotherton moved the adjournment of the debate.

The House divided—Ayes 286; Noes 232: Majority 54.

Debate adjourned.

List of the Ayes.

Acheson, Viscount
Adam, Sir C.
Aglionby, H. A.
Ainsworth, P.
Alston, R.
Andover, Visc.
Angerstein, John
Anson, Sir G.
Astley, Sir J.
Attwood, T.
Bagshaw, John
Baines, E.
Ball, N.
Bannerman, A.
Barclay, D.
Baring, F. T.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Beauclerk, Major
Belfast, Earl of
Bellew, R. M.
Bellew, Sir P.
Benett, J.
Bentinck, Lord W.
Berkeley, hon. F.
Berkeley, hon. G.
Berkeley, hon. C.
Bernal, R.
Bewes, T.
Biddulph, R.
Bish, T.
Blake, M. J.
Blunt, Sir C.
Bowes, J.
Brady, D. C.
Bridgman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Buller, E.
Bulwer, H. L.
Bulwer, E. L.
Butler, Hon. P.
Buxton, T. F.
Byng, G.
Callaghan, D.
Campbell, Sir J.
Campbell, W. F.
Carter, J. B.
Cave, R. O.
Cavendish, hon. C.
Cavendish, hon. G. H.
Cayley, E. S.
Chalmers, P.
Chapman, L.
Chetwynd, Captain
Chichester, J. P. B.
Clay, W.
Clayton, Sir W.
Clements, Viscount
Codrington, Admiral
Colborne, N. W. R.
Collins, W.
Cowper, hon. W. F
Crawford, W. S.
Crawford, W.
Crawley, S.
Crompton, S.
Curteis, H. B.
Curteis, E. B.
Dalmeny, Lord
Dennistoun, A.
D'Eyncourt, rt. hon. C. T.
Dillwyn, L. W.
Divett, E.
Donkin, Sir R.
Duncombe, T.
Dundas, hon. J. C.
Dundas, hon. T.
Dundas, J. D.
Dunlop, J.
Ebrington, Viscount
Edwards, J.
Ellice, rt. hon. E.
Elphinstone, H.
Etwall, R.
Evans, G.
Ewart, W.
Fellowes, hon. N.
Fergus, J.
Ferguson, Sir R.
Ferguson, Sir R. A.
Ferguson, R.
Fergusson, rt. hon. R. G.
Fitzgibbon, hon. R.
Fitzroy, Lord C.
Fitzsimon, C.
Fleetwood, P. H.
Folkes, Sir W.
Forster, C. S.
French, F.
Gillon, W. D.
Gordon, R.
Goring, H. D.
Grattan, J.
Grattan, H.
Grey, Sir G.
Grote, G.
Guest, J. J.
Hall, B.
Hallyburton, Lord D.
Handley, H.
Harland, W. C.
Harvey, D. W.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hay, Sir And. Leith
Heathcote, J.
Hector, C. J.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Hodges, T. L.
Hodges, T. T.
Holland, E.
Hoskins, K.
Howard, R.
Howard, P. H.
Howick, Viscount
Hume, J.
Humphery, J.
Hurst, R. H.
Hutt, W.
James, W.
Jervis, J.
Johnston, Andrew
King, E. B.
Labouchere, rt. hon. H.
Lambton, Hedworth
Leader, J. T.
Lee, J. L.
Lefevre, C. S.
Lennard, T. B.
Lennox, Lord George
Lennox, Lord A.
Leveson, Lord
Loch, J.
Long, W.
Lushington, Dr.
Lushington, C.
Lynch, A. H.
Macnamara, Major
M'Taggart, J.
Maher, J.
Mangles, J.
Marjoribanks, S.
Marshall, W.
Marsland, H.
Martin, T.
Maule, hon. F.
Methuen, P.
Molesworth, Sir. W.
Moreton, hon. A. H.
Morpeth, Viscount
Morrison, J.
Mosley, Sir O. Bt.
Murray, rt. hon. J. A.
Nagle, Sir R.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Conor Don
O'Ferrall, R. M.
Ord, W.
Oswald, J.
Palmer, General
Palmerston, Visc.
Parker, John
Parnell, rt. hon. Sir H.
Parrott, J.
Parry, Sir L. P. J.
Pattison, J.
Pease, J.
Pechell, Captain
Philips, M.
Philips, G. R.
Phillips, C. M.
Pinney, W.
Ponsonby, hon. W.
Ponsonby, hon. J.
Potter, R.
Poulter, J. S.
Power, J.
Poyntz, W. S.
Pryme, G.
Pryse, Pryse
Ramsbottom, J.
Rice, rt. hon. T. S.
Rippon, Cuthbert
Robarts, A. W.
Robinson, G. R.
Roche, William
Roche, D.
Roebuck, J. A.
Rolfe, Sir R. M.
Rooper, J. Bonfoy
Rundle, J.
Russell, Lord J.
Russell, Lord
Russell, Lord C.
Ruthven, E.
Sanford, E. A.
Scott, Sir E. D.
Scott, J. W.
Scourfield, W. H.
Scrope, G. P.
Seale, Colonel
Seymour, Lord
Sharpe, General
Sheil, R. L.
Simeon, Sir R.
Smith, J. A.
Smith, hon. R.
Smith, R. V.
Smith, B.
Spiers, A.
Stanley, W. O.
Stewart, P. M.
Stuart, Lord D.
Stuart, Lord J.
Stuart, V.
Strangways, hon. J.
Strickland, Sir G.
Surrey, Earl of
Talbot, C. R. M.
Talbot, J. H.
Talfourd, Serjeant
Tancred, H. W.
Thomson, rt. hon. C. P.
Thompson, Colonel
Thornley, T.
Tooke, William

Townley, R. G.
Tracey, Charles H.
Trelawney, Sir W.
Troubridge, Sir E. T.
Tulk, C. A.
Turner, W.
Tynte, C. K. K.
Tynte, C. J. K.
Verney, Sir H.
Villiers, Charles P.
Vivian, J. H.
Wakley, T.
Walker, C. A.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Wason, R.
Westenra, hon. H. R.
Whalley, Sir S.
White, S.
Wigney, I. N.
Wilbraham, G.
Wilde, Sergeant
Wilks, John
Williams, W.
Williams, W. A.
Williams, Sir J.
Williamson, Sir H.
Wilson, H.
Winnington, Sir T.
Winnington, H. J.
Wood, C.
Wood, Alderman
Worsley, Lord
Woulfe, Sergeant
Wrightson, W. B.
Wrottesley, Sir J.
Wyse, T.
Young, G. F.

TELLERS.

Stanley, Edward J.
Steuart, R.

List of the NOES.

Agnew, Sir A.
Alford, Viscount
Alsager, Captain
Arbuthnot, hon. H.
Archdall, M.
Ashley, Visc.
Ashley, hon. H.
Bagot, hon. W.
Bailey, J.
Baillie, H. D.
Balfour, T.
Barclay, C.
Baring, F.
Baring, H. B.
Baring, W. B.
Baring, T.
Barneby, J.
Bateson, Sir R.
Beckett, rt. hon. Sir J.
Bell, M.
Bethell, Richard
Blackburne, I.
Blackstone, W. S.
Boldero, H. G.
Bolling, W.
Bonham, R. F.
Borthwick, Peter
Bowles, G. R.
Bradshaw, J.
Bramston, T. W.
Brownrigg, S.
Bruce, Lord E.
Bruen, Colonel
Bruen, F.
Buller, Sir J. Y.
Burrell, Sir C.
Campbell, Sir H.
Canning, rt. hon. Sir S.
Castlereagh, Viscount
Chandos, Marquess of
Chaplin, Colonel
Charlton, E. L.
Chichester, A.
Clive, hon. R. H.
Codrington, C. W.
Cole, hon. A. H.
Cole, Viscount
Compton, H. C.
Cooper, E. J.
Coote, Sir C.
Corry, right hon. H.
Cripps, J.
Dalbiac, Sir C.
Damer, G. L. D.
Darlington, Earl of
Davenport, J.
Dick, Quintin
Dottin, A. R.
Dowdeswell, W.
Duffield, Thomas
Dunbar, G.
Duncombe, hon. W.
Duncombe, hon. A.
East, J. B.
Eastnor, Viscount
Eaton, R. J.
Egerton, Sir P.
Egerton, Lord F.
Elley, Sir J.
Elwes, J. P.
Estcourt, T.
Estcourt, T.
Fancourt, Major
Farrand, R.
Fector, J. M.
Feilden, W.
Ferguson, G.
Finch, G.
Fleming, J.
Foley, Edw. Thomas
Follett, Sir W.
Forbes, W.
Forester, hon. G.
Fort, J.
Freshfield, J. W.
Gaskell, James Milnes
Geary, Sir W.
Gladstone, T.
Gladstone, W. E.
Glynne, Sir S.
Goodricke, Sir F.
Gordon, hon. Captain
Goulburn, rt. hon. H.
Goulburn, Sergeant
Graham, rt. hon. Sir J.
Grant, hon. Colonel
Greene, T.
Grimston, Viscount
Grimston, hon. E. H.
Hale, R. B.
Halford, H.
Hamilton, G. A.
Hamilton, Lord C.
Hanmer, Henry
Hanmer, Sir J.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, rt. hon. Sir H.
Hardy, J.
Hawkes, T.
Hayes, Sir E. S.
Henniker, Lord
Herries, rt. hon. J. C.
Hillsborough, Earl of
Hogg, J. W.
Hope, J.
Hope, H. T.
Hotham, Lord
Houstoun, G.
Hoy, J. Barlow
Hughes, W. H.
Jermyn, Earl
Inglis, Sir R. H.
Johnstone, Sir J.
Jones, W.
Jones, Theobald
Irton, S.
Kearsley, J. H.
Kerrison, Sir E.
Kirk, P.
Knatchbull, right hon. Sir E.
Knight, H. G.
Knightley, Sir C.
Law, hon. C. E.
Lawson, Andrew
Lees, J. F.
Lefroy, A.
Lefroy, right hon. T.
Lemon, Sir C.
Lewis, D.
Lowther, hon. Col.
Lowther, Viscount
Lowther, J. H.
Lucas, E.
Lushington, rt. hon. S.
Lygon, hon. Gen.
Mackinnon, W. A.
Maclean, Donald
Mahon, Viscount
Manners, Lord C. S.
Martin, J.
Mathew, G. B.
Maunsell, T. P.
Maxwell, H.
Meynell, Captain
Miles, William
Miles, P. J.
Miller, Wm. Henry
Mordaunt, Sir J.
Morgan, C. M. R.
Neeld, J.
Neeld, John
Nicholl, Dr.
Norreys, Lord
O'Neil, hon. J. B. R.
Ossulston, Lord
Owen, Sir J.
Owen, H. O.
Packe, C. W.
Palmer, R.
Palmer, G.
Parker, M.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, rt. hon. W. Y.
Pemberton, T.
Perceval, Colonel
Pigot, R.
Pollen, Sir J. W.
Pollington, Viscount
Pollock, Sir F.
Powell, Colonel
Praed, W. M.
Price, S. G.
Pringle, A.
Rae, right hon. Sir W.
Reid, Sir J. R.
Richards, J.
Richards, R.
Rickford, W.
Ross, C.
Russell, Charles
Ryle, J.
Sanderson, R.
Sandon, Viscount
Scarlett, hon. R.
Scott, Lord J.
Shaw, right hon. F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Smith, A.
Smith, T. A.
Somerset, Lord G.
Stanley, E.
Stanley, Lord
Stewart, J.
Sturt, H. C.
Tennent, J. E.
Thomas, Colonel
Trench, Sir F.
Trevor, hon. A.
Twiss, H.
Tyrell, Sir J. T.
Vere, Sir C. B.
Verner, Colonel
Vesey, hon. T.
Vivian, J. E.
Vyvyan, Sir R.

Wall, C. B.
Walpole, Lord
West, J. B.
Weyland, Major
Whitmore, T. C.
Wilbraham, hon. B.
Wodehouse, E.
Wood, Colonel T.
Wortley, hon. J. S.
Wyndham, W.
Yorke, E. T.
Young, J.
Young, Sir W.

TELLERS.

Fremantle, Sir T.
Clerk, Sir G.

HOUSE OF LORDS,

Thursday, *April* 11, 1837.

MINUTES.] Bills. Read a first time:—Marine Mutiny; Edinburgh Police.

Petitions presented. By Lords ROLLE, ASHBURTON, and other Noble LORDS, from Hawkchurch, Isle of Thanet, and other places, against the Abolition; and by Viscount MELBOURNE, the Duke of CLEVELAND, and other Noble LORDS, from Haddington and various other places, for the Abolition of Church-rates.—By Lord SKELMERSDALE, from the Medical Profession and Bolton-le-Moors, for Alteration of Poor-law Amendment Act relating to the Remuneration of Medical Men for Attendance on the Poor.

OXFORD AND CAMBRIDGE STATUTES.] The Order of the Day for the Second Reading of the Oxford and Cambridge Statutes Bill having been read,

The Earl of *Radnor* begged to apologize to their Lordships for occupying so much time by having caused the several petitions against the Bill, the second reading of which he was about to move, to have been read at length; but he had done so with the view of seeing what were the grounds upon which the petitioners objected to the Bill. He was, so far as his own feelings were concerned, exceedingly glad that those petitions had been read, for instead of furnishing arguments against, or just grounds of objection to, the Bill, he conceived that they afforded very strong and urgent reasons why their prayer should not be complied with, and why their Lordships should agree to the second reading of the Bill. In the last petition presented by the noble and learned Lord opposite, from the College of Wadham, the petitioners stated that, besides the Bill being unjust and arbitrary, it would be peculiarly oppressive to their consciences, inasmuch as they were already sworn to obey the statute of the founder, and none other. Now, such of their Lordships as might not be aware of the fact would assuredly be surprised when he informed them that not very many years ago the members of that college did not consider it a matter of oppression to their consciences to disobey the statute of the founder. Feeling the irksomeness of the situation and circumstances in which that statute had placed them, they applied to Parliament to relieve them from their difficulties, and it was actually under a new Act of Parliament which amounted to a new foundation, that they were now flourishing in the manner described in the petition. How, then, they could state, that they felt themselves bound conscientiously to adhere to the strict letter of the original statute was for them, not him, to explain. He thought their Lordships would find it a matter of very great difficulty to decide what they ought to do, if they deemed it necessary to act upon the petitions which had been that evening presented. In some of these petitions it was stated, that they felt themselves bound by a solemn oath to adhere to the original statute—an oath from which even the visitor could not release them. In the petitions from New College, Oxford, and King's College, Cambridge, it was stated, that if the visitor made any alteration contrary to the provisions of the original statute, they were bound upon oath to disobey it; while in the petitions from Jesus, Brazennose, and Oriel Colleges, Oxford, presented by the right rev. Prelate, it was stated, that the visitor had the power to alter the statute to meet the difficulties of the times. Thus, then, they had some petitions against the Bill, on the ground that the members of the Colleges were bound by oath to the original statute; they had others presented against it upon an opposite ground—namely, that they already had the power of altering the statute, and that that power was vested in the hands of the visitor. [A right rev. *Prelate:* Not the visitors, the masters and fellows.] That made no difference if the power existed. Both reasons, it was obvious, could not be good against the Bill, although, in his opinion, they might both be advanced in favour of it. With regard to the statutes of the King's College and other colleges, which were 200 or 300 years old, he thought it an absolute absurdity to say, that they should not be altered to meet the difficulties and altered circumstances of the times. One of the Universities had petitioned against the Bill, and the other had not. The University of Oxford petitioned against the Bill on a ground which appeared to him to be very extraordinary; namely, that these colleges were public branches or members of the university. Now, it was manifest, that they were no such thing.

They were no more branches of the university than they were of the corporation of Oxford. The university existed long before the corporation, and was totally independent of it, as it was also of the colleges; and if the object of this Bill was, as it was not, though the petitioners seemed to understand it to be, to confiscate the property of the colleges, it would not impair the university. It would still exist with the same force, and the charter would have the same force, and therefore the university would not be at all affected by anything that affected the colleges, unless incidentally. But he would take the statement as brought forward by the universities. The universities considered these bodies as public bodies, but the petitioners stated that they were private houses or benefactions, and that they were altogether private. In this they were perfectly correct as to those foundations being private eleemosynary foundations. There was no doubt of this, and the university had no more to do with them than the town-council. They might petition against the Bill, but they were not interested in it, as the Bill did not affect the university. It might be said that it was a most unjustifiable proceeding to interfere with these private eleemosynary foundations. Before he went any further, he must say, that he considered that a very unfortunate statute which had been passed which required that every member of the university should also be a member of some college. The colleges thus, as far as the right to interfere went, were taken out of the privileges which, as private houses, they would possess. The two universities had an entire monopoly of the education of the clergy of the Established Church, and almost all the highest offices in the Church. There were large emoluments which came to the persons who enjoyed this monopoly, and the situation was one of so much consequence and importance to the country in general, that they could hardly in such a case look upon it as a private establishment. Many of these petitioners stated, that the allegations contained in the preamble of the Bill were not true; that they had not mismanaged their property, nor were they guilty of the other charges laid to them; and that it was not necessary that the provisions of this Bill should be applied to them. It was indubitably true, that many of the petitioners had done nothing to bring them within the allegations of this Bill; but he believed he should only fail to prove the preamble of the Bill, because he had not the means of knowing what the real facts of the case were. As far as he knew, or had the means of knowing, he must say, that the allegations of the Bill were completely made out. But he believed that some of the colleges were even sworn to secrecy, and in general the terms of the foundations were unknown to the members of the colleges themselves. But there were two colleges, the statutes of which had been published by the House of Commons, twenty-eight years ago; and the examinations of their statutes would make out most completely their total dereliction from the spirit and intention of the founders, and the violation of the original statutes. It might be said, that it was not altogether fair, because this was done with respect to two colleges, to bring the other colleges under the operation of this Act, because of the improper conduct of two colleges. But he thought he had a right to infer, that the other colleges were guilty of much the same faults. In every respect in which he could trace or make out what was the object of the founders, he found the other colleges to be perfectly the same, and to have acted in unison with the two colleges he should mention. These two were the most important in either of the two universities—they were the colleges of Trinity and of St. John, Cambridge; and he hoped to be able to make out, to the satisfaction of their Lordships, that these two colleges had departed from the spirit of the original founders, and from the intention of those founders as expressed in their wills, and that they called for some measure of correction. He hoped that they would apply to the other colleges the same measure of correction, if he should be able to make out that the original provisions of the wills and the dispositions of the founders were the same with respect to them as to the other colleges. These colleges were originally founded for the benefit of poor scholars, under particular circumstances pointed out, and for the purpose stated. In every one of the statutes this was insisted upon as a most material provision. The words *inopes, pauperes, et valde pauperes*, were repeated *ad nauseam*. But he would ask, was this the class of persons that now derived the benefit from these foundations? In some of the modern colleges, for reasons which he knew not, a sort of test was directed to be applied, so that no person should be entitled to be elected who was worth 5*l.* a-year; and in some other colleges fellowships were made vacant on the fellows becoming possessed of an income of 10*l.* But these rules were now completely evaded. He was ready to admit that 5*l.* in these times was a very different sum from what it was when these rules were made, and so far he was willing to make a fair allowance, but the manner in which the statute was evaded was by selling all their landed property, and investing the proceeds in the funds; it being held that the rules did not apply to funded property. There were many reasons to show that, according to the original intention of the founders, the individuals benefiting under their wills were to be poor persons. The noble Lord referred to the regulation of All-Souls, Sidney-Sussex, and Merton colleges, to prove that the original intention of the founders was for the benefit of poor persons. There was a singular occurrence connected with Merton college, Oxford, where there was a regulation that if any one of these poor men fell sick, so that he should not be able to proceed with his studies for one year, he should be removed to the hospital or almshouses of Basingstoke. And the provision of these foundations was, that the fellows should be constantly resident; and if these houses were meant as places where these poor persons should be enabled to study, it was very natural that they should be required to reside there constantly. This rule was not complied with now-a-days. Some years ago a right rev. Prelate wrote a work against the practice of fellows being allowed to be non-resident. He stated, that only one sixth of the whole number of fellows was resident. The question was, not whether the present mode was useful or convenient, but whether it was not a deviation from, and inconsistent with, the original intentions of the founders. For instance, the original founder, in one case, built rooms for forty fellows, whilst, at the present time, there were not more than thirteen or fourteen fellows. Out of this number, there were (so we understood) thirteen honorary fellows, and one who was a Knight Grand Cross of the Guelphic Order, who was at present employed on a special embassy to Constantinople. In Trinity College, he believed not one-fourth of the number of fellows was resident, and some of them were in situations which were totally inconsistent with their fellowships: for instance, one was head master of a school at Wakefield, another held the same situation at Leicester, and various others were similarly engaged. He was not about to discuss whether it was right to say that they should be resident or not; the question was, whether they were not bound, in compliance with the will of the founders, to reside if the founders expressly directed that they should reside. It appeared, that a senior fellow of Merton College was at this moment a lieutenant-general in his Majesty's service; and that a senior fellow of Brasenose College held a stall in Hereford cathedral, held three livings in the same diocese, which returned him 1,100*l.* a year, and had a cure of 3,000 souls, while he was himself resident in Paris.

The Bishop of *Hereford:* He holds only two livings.

The Earl of *Radnor*: Upon referring to the book, I find that he holds three livings.

The Bishop of *Hereford:* Two of those which appear to be separate, in consequence of their being two separate curates, constitute but one benefice.

The Earl of *Radnor*, in continuation, observed that, at all events, the continued residence of this gentleman in Paris could not be justified. With respect to "domestic superintendence," he observed that, although the fellows and masters derived from the different university establishments very large funds to be applied to the tuition and domestic superintendence of pupils, their doors were open to the reception of such pupils only nominally, and without any beneficial effect. So little was the master really attended to at present, that, wherever a sincere desire existed on the part of a young man, practically to reap the benefit of an university education, the services of a private tutor must be secured. At Trinity College, Cambridge, the sum paid annually to public tutors by the under-graduates was 4,000*l.*, and the sum paid to private tutors was not less than 10,000*l.* per annum. He contended, that the system which at present prevailed in this respect, was in downright violation of the original statutes, as well as of what must obviously have been the intention of the founders. The will of the founder was not less obstructed with reference to the distribution of the funds set apart for the maintenance of the fellows. In proportion as these funds increased in amount, the intention must have been in every case, that the number of fellows should increase in the same ratio. Undoubtedly, there were some instances in which the will of the founder was in this matter complied with, but in Merton College, which was founded 600 years ago, the fellows were exactly the same in number as at the period of its foundation, although their revenues had increased most considerably. The total number of fellowships had increased, but not the number of fellows on the old foundation. There was only one college, as far as he knew—the Queen's College, Oxford—in which the number of fellows had increased, the number at the foundation having been twelve, and the present number sixteen. In St. Catherine's-hall, Cambridge, the number of fellows was, by Royal visitation, doubled, during the reign of Edward 6th; but no increase in the number had since taken place. Another ground of serious complaint was the mal-distribution of these funds, the senior fellows engrossing to themselves exactly double the amount which the junior fellows were permitted to receive. These were matters which certainly called for legislative interference. It was said, that Parliament could not interfere, that it never had interfered, with eleemosynary foundations. Now, it so happened, that there were several Acts of Parliament interfering with institutions of this description, and one in particular, which was passed not long since for the regulation of certain charitable funds. Who could dispute the right of the Legislature to interfere for the purpose of preventing the misappropriation of funds amounting (like those of the two Universities of Oxford and Cambridge) to no less a sum than 200,000*l.* per annum? There was another point which more than anything else influenced his determination to submit this matter to the consideration of their Lordships' House. This was the very serious matter of an habitual violation of oaths. The petition which had been presented in an early part of the evening from St. John's College, Cambridge, stated, that the Legislature was not called on to interfere, inasmuch as the visitors had power to correct all abuses. Now, it so happened, that this was contrary to the University statutes, which contained a positive prohibition of any change being introduced into the existing regulations. He had a copy of a book published 150 years since, by an individual learned in the law, who had had a dispute with a master of Trinity College, and who alleged, and proved by a reference to authorities, that every one of the statutes was constantly violated in the management of that College. The same course had been persevered in up to the present period. One of these statutes enacted, that no conversation should be held in the College except in the Latin, Greek, or Hebrew language. To change this statute might be very proper, but so long as it remained unchanged, could it be proper to swear to its observance? Another of the statutes prescribed, that the nine lecturers should, for the amusement of the College youth, enact plays in the College-hall during the Christmas holydays, the junior fellows two by two, and the senior lecturer, in consequence of his greater dignity, singly. At present there were but eight, instead of nine, lecturers; so that to comply with this statute was impossible, although they swore to its observance. The master swore that he would see these statutes enforced, and that he would act in conformity to this oath—" *Veré, sinceré, et sensu grammatico.*" For instance, the master swore to an observance of the statutes. The statutes required that the master was not to be married. The present master of Trinity College, Cambridge, was not married, he was a widower. It was said, that there were dispensations granted by the Crown. He did not know that it was in the power of the Crown to grant dispensations for the observance of oaths. In what capacity could the Crown grant such dispensations? Was it in its capacity as head of the State, or as head of the Church? In another case, the statute required that the vice-master should be a bachelor of divinity. That was not complied with. The noble Lord then read an extract from a judgment given by Lord Eldon in 1828, in a case which had arisen out of the disputed appointment of a bursar. The passage was to the effect, that the true and obvious meaning of the statute could not be sacrificed to considerations of convenience; and that a violation of the statute, in its obvious meaning, must be considered as substantially violating the oath. The noble Lord concluded by stating, that his Bill proposed to provide a remedy for the two evils of a non-compliance with the intentions of the original founders of these Colleges, and of the habitual violation of oaths.

He moved that it be read a second time.

The Bishop of *Llandaff* trusted, that the view which he took of the solemn obligation of an oath was quite as serious as that which had been taken by the noble Lord. He could not, at the same time, forget that the meaning of oaths differed (as all rational men must admit) according to the terms in which they were couched, and that some oaths, as the form in which they were worded implied, were to be interpreted according to the true tenour and spirit of the statute, and according to what the party swearing believed in his conscience to be the real intention of its framers, who, living at a remote period, had often ignorantly prescribed minute details, the literal observance of which, under the altered circumstances of the times, would positively defeat their own purpose. He verily believed, that in most instances these statutes had been departed from, from an anxious desire to carry into effect the genuine designs of the founders. At all events, he knew that these were the motives which were in force during the period of his connexion with Oxford University; and that in the deviations with which he was identified, he had always kept in view the intentions of the founders. He had ever figured to himself what would be the sentiments of the founders if they still remained alive, and looked to the benefits which must necessarily accrue from a departure from the letter of the statute, and from the better adaptation of its provisions to the altered state of society. Such were the feelings which operated in the minds of those who enjoyed power at the universities; and if any comment at all were made upon this subject, it should rather be in the shape of commendation than censure. In the preamble of the noble Earl's Bill it was set forth, that the colleges were "possessed of great funds to provide for the education of poor and indigent persons." He really thought that the noble Earl had here evinced a misconception of the intentions of the founders. Though the collegiate funds were technically called "eleemosynary," they were totally distinguished from the funds of almshouses and other similar institutions. The common object of all the university statutes was to provide for the careful education and moral superintendence of young men for the service of God in the church. The noble Lord had said, that a shilling a week had been stated in the original statute as an ample provision for the maintenance of these young men, and that sum had in modern times been vastly exceeded. Now it was quite evident that this excess was essentially necessary, in order to provide a decent maintenance for those who, without this aid, could not maintain themselves comfortably in literary pursuits. With regard to the question of residence, it was well known to be better for the world generally, and more conformable to the intentions of the founders, that a literal adhesion to the statute in this respect should not be required. If there were any point in which he could say that he agreed with the noble Earl, it would be in that of joining him in recommending an inquiry from which might be expected to result a statement of the names of those members of universities who did not reside in their colleges, yet kept rooms, and whether those rooms were now open for the reception of any other students who might be willing to avail themselves of the intention of the founder. In the course of the speech of the noble Earl, and more particularly in the course of the remarks which he made upon the various petitions which had been presented, he appeared to triumph in what he considered to be inconsistencies in those petitions—not any inconsistency between different portions of the same petition, but alleged inconsistencies as between the several petitions—contradictions of each other. He confessed it did surprise him to hear such an observation come from the noble Earl; for what was more natural than that each class of petitioners should view the question as it applied to his own case? The noble Earl had dealt in many allegations, but he had brought forward none—at least he had not succeeded in establishing any sufficient to entitle him to call upon bodies such as colleges to produce their title-deeds, to bring forward their Statutes, to lay before a commission their private regulations, and subject themselves in all things to the dictation of an authority so constituted. A proceeding of that nature as it appeared to him, ought to be preceded at least by an inquiry instituted before a Committee of that House. A commission such as the noble Earl contemplated was usually preceded by a measure of that sort. It was also material that the House should not sanction anything that bore the appearance of an intention to inflict an indignity upon the universities of this country; and he should certainly say, that to treat them in the manner proposed by the noble Lord would be nothing short of saying that they ought to be regarded in the light of mere alms houses. It was not so that they ought to be viewed; they were established as the House well knew, amongst other purposes, for that of raising the character of religion in England, and for creating a barrier against the military strength of the Barons. If the purpose of the noble Earl were to relieve those who have the government of universities from the pressure of such existing obligations as they could not otherwise be relieved from, he should be most happy to co-operate with the noble Earl in accomplishing such purpose; but as to interference in the manner proposed by the Bill, then under their Lordships' consideration, it did appear to him unjust and inexpedient. It did appear to him, also, exceedingly unfair to require that an oath imposed by the will of a donor five centuries ago should be defeated in its intention and spirit by enforcing with respect to it a literal interpretation. He trusted, he need hardly say, that he entertained as high a sense of the obligation of an oath as any man could possibly feel, but he was for a liberal interpretation of the oaths required by the statutes. They could not in all cases adhere to the literal interpretation of the passages in those oaths; but they should do as it was declared in a statute of Edward 2nd.: where changes were required that could not be foreseen they should make such changes as would be "*ad conservationem institutionis*," for the purpose of carrying into effect the institutions, and in accordance with the object, of the founders. He hoped the noble Earl, would do him the justice to believe that he did not wish to insinuate that he could be actuated by any other than the purest possible motives, but he certainly must be allowed to say, that the noble Earl had not well considered the character of the institutions for which he proposed to legislate; still, as he said before, if the object could be effected with less apparent violation of that which must be considered the rights of the colleges, he repeated, that the noble Earl should have his support. The right rev. Prelate concluded by moving, that the Bill be read a second time that day six months.

Lord *Holland* observed, that he agreed in much that had fallen from the right rev. Prelate. The premises of the right. rev. and learned Prelate were excellent, but they were in direct opposition to the conclusion to which he had come. Every word that had been said by the learned and right rev. Prelate was in favour of the Bill that his noble Friend had introduced, and which was then under the consideration of their Lordships. He agreed with the right rev. Prelate, that most persons would like to be relieved from the ancient statutes under which those colleges were founded. He was sure that what the right rev. Prelate had done in connexion with the Universities was in the spirit of the founders. He agreed, too, with the right rev. Prelate, that as to many of the statutes, and many of the provisions, it would be wise, it would be advantageous to the public, to the colleges, and to individuals, that they should be dispensed with. But he would ask, what was the object of this Bill? It was to dispense with that by law, and without any violation of moral duty whatever, which was now dispensed with in a way that, at least, gave a considerable handle to scand l and to misrepresentation. These regulations might be wrong, and he might agree with the right rev. Prelate that they were; but why maintain a statute prescribing them, and why take an oath to observe them, unless it was right that they should be observed and maintained? It appeared to him that the right rev. Prelate did not disagree much with the object of his noble Friend, but with the process by which he proposed to effect it. The rev. and learned Lord seemed to think, that the necessary change ought to be left to be effected by those persons who, as he said, had taken an oath to observe the contrary. The rev. and learned Lord had treated the proposition of his noble Friend as if he had proposed the appointment of a commission against the heads of houses, and against the University of Oxford. It was not that, however. There existed an evil, and the question was, how were they to get rid of it? The rev. and learned Lord said, and he thought truly, that it was not a statesman-like way to view the oaths to give them the restricted interpretation which he had put on them. In agreeing, however, with the rev. and learned Lord in this respect, he must observe, that the rev. and learned Lord had not shown the advantage of keeping these oaths in their present form. He would ask, were there no disadvantages arising from them? And he would put it to the consciences, the honor, and the good feeling of the noble Lords around him, whether if, in reference to other interests than those of a college, and in another place, it were proposed to maintain an oath which was not strictly observed, they would not have abundant quotations from some such book as Dens's Theology—whether they would not hear of the jesuitical pretences under which the sacred obligations of an oath were dispensed with, and of the subtle and crafty manner in which certain parties who had sworn to do one thing pleaded their right to do another? He did not think that such a charge would be just against such individuals, but he would recommend the members of the colleges to consider in what way these questions were met when it was thought useful—in what way they were met by those very persons who now said, that the oaths were inconvenient, but it was better to get rid of them by a direct or an indirect violation of them than by an alteration of the oaths themselves. The persons who opposed this Bill seemed to him to place themselves in an awkward dilemma. They stated in their petitions that they could not allow any investigation—that they must resist any innovation of the existing system, because the words of their founder and the words of the statute precluded them from consenting to it; but then, when they were told that the words of their founder, that the words of their statutes, and that the words of their oaths, called on them to do certain things which they neglected, they said, "Would you wish us to do such foolish things as those? No, we act according to what we conceive to be the spirit of the founder; we place ourselves in the situation in which the founder would be were he present to consider himself what is now going on." He begged to ask those individuals, did they think, if the founder could know what was the present situation of affairs, and could act with reference to it, would he not petition this House and the other House of Parliament and the Crown to interfere, and do that which would be most advantageous to the University? And what would they do but that which the Bill of his noble Friend proposed? The Bill did not charge any delinquencies, it did not visit with any punishment, it was not in the nature of a penal enactment. He did not understand his noble Friend to go further than to ask for a Commission to be granted to inquire into the circumstances. That there was scarcely a college that had not departed from the original statutes would not admit of a doubt. Were there not provisions for mass to be said for the departed souls, and for other observances common to the Roman Catholic faith, and had they not been all departed from? On what authority he would ask? [The Bishop of *Llandaff*: The law of the land.] That was just what he said, and what he wished in all cases when the statutes were habitually departed from. But the petitioners from the colleges declared, that they had taken an oath which they must adhere to, nor could they allow any authority in the law of the land to dispense with that oath. They did not say so when the law of the land came in the shape of Henry 8th. The authority then was too formidable to be disputed. But where the law of the land appeared under the authority of the King, Lords, and Commons, then forsooth, was trumped up this extreme difficulty that, they could not depart from this oath, which the rev. and learned Lord said they were now in the habit of dispensing with, because their doing so was thought to be advantageous to the community.

The Bishop of *Llandaff* would gladly co-operate with the noble Lord in carrying a measure free from the objections which he considered attaching to this.

Lord *Holland* wished to know how the rev. and learned Lord could tell, in the event of this Bill becoming law, that the Commissioners in their Report would not continue their recommendations to the very things the rev. and learned Lord himself approved. If the truth were with the rev. and learned Lord, and the Commissioners thought it was, the result would be that his suggestions would be acted upon, and nothing more would be done. The only question was, whether there was the power to do what was required without this Bill. If there were not—and he contended there was not—the right rev. Prelate would be voting against his own propositions, and against his own wishes, in voting against this Bill.

The Bishop of *Llandaff* explained. One part of the Bill proposed to release the members of Colleges from the observance of the statutes in all minute particulars. He feared that the measure would not tend to raise the character of the obligation of an oath throughout the country at large. The objects contemplated could be fully accomplished without any measure of this kind. The measure which was now proposed as a measure of relief to the parties was, in his mind, a Bill of pains and penalties.

The Marquess of *Camden* opposed the Bill altogether. It was unjust to the parties most interested. The preamble of the Bill was not proved. There were no facts established on which the allegations in that preamble could be founded, and there was no desire for this measure on the part of the Universities themselves.

The Archbishop of *Canterbury* felt that he would be wanting in his duty if he suffered the attacks which had been made on the Universities to remain unreplied to. He wished to prevent an opinion from arising discreditable to the Universities, as must be the case if it was supposed, from what the noble Earl had stated in the first instance, that there existed a general disobedience to the statutes of the Colleges, and that this was accompanied by a general disregard of the oaths taken to observe them. He must confess that he was surprised at the tone of the argument used by the noble Earl. He thought that the noble Earl attempted to show that these Universities, which were the pride of the country and the admiration of the world, had ceased to fulfil the purposes for which they were originally instituted, and that it was necessary to bring forward this measure. This was exactly set forth in the preamble of the Bill. The noble Baron had stated, that this measure merely proposed an inquiry into this subject. But surely their Lordships knew that the visitors of Colleges had at present the power to make this inquiry, and surely it could not be doubted but that they were interested in any improvements that they held to be desirous or advantageous. The visitors and the heads of Colleges had full power to remedy any abuses that existed. He had listened with particular attention to what the noble Earl had stated with respect to the preamble of the Bill. That preamble contained allegations of a very serious nature. It stated that whereas these Universities were originally established for the promotion of religion and virtue, and the encouragement of liberal arts, &c. Now the allegations that these Universities had departed from the fulfilment of those original purposes ought to be proved. But what did the noble Earl confine himself to? To the single instance of the duty of Universities to provide for the education of indigent persons. Had it been shown that they had failed in the promotion of religion and virtue, or that they did not produce many eminent persons both in Church and State? But, with respect to the instance to which the noble Earl had particularly directed his argument, namely, the education of the poor and indigent, on this point he would refer to a very eminent and ancient authority in the Romish Church, who was held in high repute in the Ecclesiastical Colleges in most of the continental countries, and his application of the meaning of this provision for the education of the indigent was, that it should be held to apply to those whose parents, taking all circumstances into consideration, were not equal to the expense of maintaining their sons at Colleges. Now that was the interpretation that was put upon this part of the ancient statutes in all the Colleges of either of the Universities with which he was acquainted. This was the rule on which the Universities of Cambridge and Oxford generally acted. He had the honour to be visitor of Baliol College, and in that College the qualifications for a candidate were threefold. They provided that the qualifications for every candidate should be learning, good morals, and poverty, and supposing candidates to be perfectly equal in the qualifications of learning and morals, they then gave the preference to the poorer candidate. The noble Earl had alluded to another College in Oxford which had a foundation *sui generis*. He was not competent to enter into all the details of the statutes connected with this foundation, but when the petitioners stated that the original founder had a right to bestow his property as he thought fit they did not say any more than what was perfectly true. He was a visitor of that College, and he knew that several alterations had taken place. With respect to Baliol College, the Master and Fellows had, according to the ancient statutes, a right to appoint each a scholar, who, according to the notion of the original founder, was to be considered a servitor, and was to pay for his education by his personal service to the Master and Fellow who appointed him. This custom wore with the age, and without violating the notion of the original founder they thought that, instead of each Master appointing a scholar, the appointments generally should be open to election. But they did not proceed *ad libitum* to the alteration of the statutes. They applied to him as visitor to the college and he felt happy to give his full sanction to that alteration. Now, when such a power of making useful alterations existed and when it had been so beneficially exercised, why send commissioners to violate those institutions which had existed for upwards of six hundred years? Why not send the visitors, and let them inquire whether there were any objectionable deviations from the statutes? He thought any power of making alterations in the statutes ought to receive the sanction of the visitors. He was not sufficiently acquainted with all these institutions to take upon himself to enter minutely into the practices of other colleges. He spoke merely of those with which he was personally acquainted, and with which he was officially connected. He had received a communication from the Bishop of Exeter, in which he requested him to state that in the College of Exeter no deviation from the statutes took place without the previous sanction of the visitors. The noble Baron (Lord Holland) had stated that many of these foundations existed before the Reformation, and that many of the ancient provisions fell consequently into desuetude. But why did that happen? Merely because they were at variance with the existing law of the land. If he properly understood the speech of the noble Earl his object appeared to be to restore things to their ancient state. If there were abuses there could be no objection to put an end to them; but no case had been made out? Had there been any case to show that there was any violation of oaths? Before they proceeded to pass such a censure upon the Universities they should have all the statutes before them, and see whether there might not be certain observances in some statutes from which other statutes contained a dispensing power. There were some which might be dispensed with, whilst there were others that did not admit of being dispensed with. There was nothing to determine their Lordships to vote in favour of the Bill before them, without better information than they at present possessed on the subject. The Commissioners were to be appointed by virtue of an Act of Parliament, and they had the power to confer on any one or two of their members whom they thought best to send on any special mission the same powers which they exercised in their corporate capacity. He did not see why the Bishop of Winchester, or the Bishop of York, or even the Archbishop of Canterbury, in their capacity of visitors, were not fully competent to make any inquiry that was useful and necessary. In conclusion, he must say, that he hoped their lordships would not consent to this Bill, and that they would thus show their respect for those ancient institutions so celebrated for their learning and piety, and from which all liberal professions of the country were supplied with their brightest ornaments. He did not think that their lordships could in justice or reason, consent to this Bill, and he confidently trusted that their decision would convince him that he was not wrong in that expectation. He would vote for the amendment.

Viscount *Melbourne* said, it was his intention to say "content," to the Bill, and he could not, therefore, suffer the opportunity to pass without making a very few observations. He entirely agreed with the very rev. Prelate in the respect which he claimed for these institutions; he entirely agreed with him in reference to the great men they had produced, the parts they had acted in public life, the character they had displayed; and he also agreed with him as to the ennobling character of the pursuits and studies carried on at these two great national establishments. He also was aware of the difficult task which the teachers and guardians of these institutions had to perform; of all the prejudices and passions which they had to contend with; and he was therefore most anxious to make great allowances for the difficulties they had to encounter in the discharge of their duties; but at the same time, he agreed with the noble Marquess, (the Chancellor of Cambridge) that it was the duty of their Lordships to consider how the machinery of these institutions worked, what effect it had on the youth committed to the charge of the teachers, and also what effect it had on the religion and morality of the country. He could say, however, from his own experience, that there had been too much loss of everything that was dear in society — too much loss of wealth—too much loss of high and varied talents—too much loss of fair and unblemished character, which had found in the universities a sudden and untimely grave, to pronounce unqualified approbation of these ancient institutions. He would not say, therefore, that they did not require investigation or improvement. He agreed also with the most rev. Prelate that improvements had been made, but that very admission showed that the colleges needed improvement—that they had not acted up to the original purpose for which they were instituted, nor fulfilled their object; and he could not, therefore, say that they did not require investigation with a view to improvement. He had listened with great attention to the petitions which had been read, and he found that one of the arguments on which opposition to the measure was founded was the private nature of these institutions. They were said to be private institutions, founded by private persons, and that the Legislature had no right to inquire into their management; but it had been well observed by his noble Friend behind him, that the private character of the colleges had merged in the public character of the universities. A general law had existed which established a house university, but that had been done away with by a by-law, and it was now imperative to be a member of a college before admission could be obtained. No man could be a member of either university, or partake of the profits and emoluments arising from them, without being a member of a college. It had been well stated in a publication of a good deal of research and acuteness, which he had read, that "if private institutions by their influence in a great public institution so incorporate themselves with it that no one can belong to the public institution without at the same time, belonging to some one of the private institutions, the public does not become private by this union, but the private make themselves public, and in this respect may be rightly dealt with as public." With slight exceptions, such as public lectures, the whole of the proceedings in these universities were of a private character — the tuition, the mode of education, and the system altogether was collegiate—all was done in colleges; and he would therefore say, that inquiry might justly and properly be made in matters connected with these colleges. They might properly inquire if they were conducted according to the wishes and directions of the founders, and whether the statutes laid down by them had been duly observed. The statutes in many respects had become obsolete, and in order to ascertain what would be a proper remedy it was necessary to have a Commission of Inquiry. Universities never reformed themselves; every one knew that — every one knew there was too much competition and jealousy, too many and varied motives constantly in play, to prevent the desired effect. He did not say that of universities only. Every institution was unwilling—he did not care from what quarter the statement came—to reform itself. It required a fresh eye, and an external eye, that would not be dazzled or affected by the internal atmosphere. Objection was made to inquiry because it would be an interference with the rights of these institutions; but their Lordships had sanctioned interference with the Scotch Universities, and it was admitted on all hands that they were schools of great merit; at least, as regarded the education of the people of Scotland, it was admitted that they performed their duty as well as the English Universities. After appointing a commission to visit the Scotch Universities he did not see what arguments could be urged against a similar commission for England. The right rev. Prelate said, the Bill would give the Commissioners a power which might be exercised in a vexatious and inquisitorial manner. He did not expect that any member of the Ecclesiastical Commission would have made use of such an argument as that, for the very same argument had been urged by a gentleman of great ability, and with great plausibility, on paper, against the Ecclesiastical Commission. He certainly was surprised that a gentleman of great experience, and for whom he had great respect, had taken it for granted, or supposed that the Commissioners would put such questions to the witnesses. But did any one hear that the power had been abused?—did any one hear that questions were put which might lead the witnesses to criminate themselves? He had been on some half-dozen of such commissions, and he had never seen a vexatious use made of the power intrusted to the Commissioners. If such had been the fact, did not their Lordships see that the practice would have been remarked and referred to? The noble Duke seemed to doubt the statement, yet he was not aware that any complaint had been made of misconduct on the part of Commissioners [a noble Lord said, "The municipal Commissioners."] No complaint was made against these Commissioners for the manner in which they carried on the investigation; the complaint was against their report. But there was another point to which he wished to allude, and he believed right rev. Prelates would bear him out in what he was about to state regarding the efficiency of these universities as schools for the education of youth of this country. It was well known that in various parts of the country there were, at the present time, greater demands for liberal knowledge than, perhaps, at any former period. New seminaries were established—two colleges had been established in London, with which right rev. Prelates, and fellows of colleges and tutors, were connected; and he believed it was the general opinion expressed by these Prelates, that the 'system of education pursued at these colleges was superior to the system adopted at the two universities. They were superior to the universities on subjects of general knowledge, and on various kinds; and he believed he had the best authority for saying, that unless some enlarged and improved system were adopted in the ancient universities, they would soon cease to hold the place they had for some time held. The Bishop of Durham was not there, but he could state on the authority of that right rev. Prelate, that the students educated at Durham College, who had applied to him for ordination, were much superior to those either of Oxford or Cambridge. No one could doubt of the power of these right rev. Prelates to judge; and as it appeared, according to them, that a more enlarged and a better-arranged system was required, he thought it necessary that an inquiry should be instituted. But, after all, there was another matter of a serious consequence, which the right rev. Prelates had not adverted to, and that referred to the pecuniary expenses incurred at these establishments; and would any member of these universities, either lay or clerical, not say that much of the expense must be regarded rather as a taxation than as a remuneration for the knowledge communicated? Every body knew the many expenses—he knew himself what was the practice at Cambridge, and he did not know how these expenses under the present system could be avoided or easily and entirely evaded; that system was a great infliction on families; it was an encouragement to extravagance. Great complaints were made on account of those expenses, which had greatly increased since he was at the university. The parents of children found also that a system of private tuition had grown up which was highly injurious to poor and indigent scholars; that was a great drain on the property of private individuals, and besides it did injustice to those who could not afford the means to obtain it. It was well known what advantage might be derived from lectures on literature or mathematics, but more peculiarly the latter, by which a student could get into the secret more speedily, and acquire knowledge with more facility than if he were left to find out everything for himself. But that system of private tuition led to another evil, called cramming, which was not only unfair towards others who had not the means, but the knowledge was not so wholesome as that obtained by the student's own exertions. He would only add that he had great admiration for the talents which the eminent men in these universities possessed. He admitted that much had been done of late years to remedy the evils, but at the same time, that showed they were not perfect, however proud these eminent men might be of them; and however much these institutions might be admired throughout the world, still there was a great demand for a remedy which they could not effect themselves, and he therefore trusted that an inquiry would be instituted, which he believed would be equally advantageous to themselves and to the country.

The Duke of *Wellington* said, that it was strange that the noble Viscount, who admitted the talents of the fellows and tutors of the universities, and who eulogized the zeal with which they had of late years endeavoured to remedy the various abuses which had crept into their collegiate institutions, should yet express his disapprobation of every part of the system of education which was followed under their auspices. That was the epitome of the noble Viscount's speech—that was the sum and substance of his various observations. Before he proceeded to the discussion of this Bill, he would remind their Lordships of the history of former Sessions of Parliament on this same subject of the universities of this kingdom, and more particularly of the Universities of Oxford and Cambridge. In the Session of 1834, a Bill was brought into the other House of Parliament to remove certain disabilities which prevented some classes of his Majesty's subjects from resorting to the universities of England, and from proceeding to take certain degrees therein; and in the Session of 1835, a Bill was brought into that House prohibiting the subscription to the thirty-nine articles in certain cases. The latter Bill was brought into that House by the noble Earl who now brought in this Bill, whilst the former Bill, which he had mentioned as originating in the other House of Parliament, was moved in their Lordships' House by the same noble Earl. Their Lordships had thought proper to reject both those Bills, and he had recalled these circumstances to their minds, in order that they might see the *animus* with which the present Bill had been brought under their consideration—a Bill which he must say was neither more nor less than a Bill of pains and penalties against the two universities—a Bill on which the first proceeding of the noble Earl ought to have been to call witnesses to their bar, in order to prove the statements of its preamble. The preamble of the noble Earl's Bill stated,

"That the statutes prescribed by the original founders of most of the colleges and halls in the two universities had been altered, and latterly many even of their most recent statutes had also been long and habitually disregarded in the ordinary administration of the affairs of divers of the said colleges and halls: and it was highly expedient that an inquiry should be made, by Commissioners to be specially appointed, into the amount, nature, and application of all such estates and funds, and into the said statutes, and the ordinary administration of the affairs of each and every one of the said colleges and halls, and also how far the said estates and funds may be made more conducive to the objects intended by the founders and benefactors, and for which they were endowed."

Here were statements on which the noble Earl, instead of dealing in vague assertions and as vague conjectures, should have been prepared to stand—on which he should have been prepared to inform their Lordships what the facts were which he intended to prove, what the proofs were which he intended to offer, and who the witnesses were by whose evidence he intended to substantiate them. He begged their Lordships also to look at the nature of the inquiry which the noble Earl proposed to establish. The noble Earl proposed that there should be Commissioners appointed to "examine into and investigate the amount of all estates and funds possessed and received by each and every of the colleges and halls of the universities." It was therefore against all the colleges and all the halls in the two universities that the noble Earl proposed that his commission should act. The Crown was to appoint the Commissioners, who were

"Empowered by summons under their hands and seals to require the attendance of all such persons as they might think fit to call before them, upon any question or matter relating either to the statutes, or to the administration of the affairs of the said colleges and halls, and also to make inquiries, and to require any answer or return in writing as to any such question or matter, and also to administer oaths and examine all such persons upon oath."

By a subsequent clause it is provided, that

"If any person shall refuse or wilfully neglect to attend in obedience to any summons of the said Commissioners, or to give evidence, or shall wilfully alter, suppress, destroy, conceal, or refuse to produce any statutes, charters, books, accounts, and writings, or copies of the same, which may be so required to be produced before the said Commissioners, every person so offending shall be liable to the payment of such fine to his Majesty as the Court of King's Bench or the Court of Exchequer, on application made by or on the behalf of the said Commissioners, shall think fit to set and impose, which fine the said Court of King's Bench or Court of Exchequer is hereby authorised and empowered to set and impose according to their discretion respectively, and to enforce payment of the same by attachment or otherwise in such manner as the said Courts respectively may do in cases of contempt of the said Courts."

So that these Commissioners, or any two of them according to a subsequent clause, were empowered to ask such questions as they pleased on the subject matter of this inquiry, and the Court of King's Bench or the Court of Exchequer were empowered to impose a fine, according to their discretion, on all persons who should omit to answer such questions, no matter whether those questions were legal or illegal, were necessary or unnecessary, or whether they were able or otherwise to answer them. And this was a Bill brought in by a noble Earl whose object on two former occasions, as he had already shown, had been to put an end to the two universities, or at least to put an end to the oaths and tests by which a system of education founded on the religion of the Church of England was established therein. Now, when he saw and reflected upon the conduct of that noble Earl in the three last Sessions of Parliament, and when he recollected that he heard the noble Viscount in the Session of 1835, declare that his object was to establish in the universities a system of inquiry into religious matters, he could not have the slightest doubt as to what the real object of the present measure was; and under such circumstances he recommended their Lordships to concur in the motion of the right rev. Prelate, that this Bill be read this day six months. In the course of the discussion on this subject, various assertions had been made in respect, first to the breach of the statutes, and secondly to the breach of their oaths, by the persons at the heads of the several colleges. The noble Earl had commenced his speech by mentioning the inconsistency of the statements contained in the petitions of the several colleges. Some of them stated, that there was a power in themselves and in their visitors to alter their statutes; whilst others stated that there was no such power, and that they would be unwilling to carry into effect any alteration of the statutes imposed upon them. There was no inconsistency in this; each of the statements was true on the part of the peculiar colleges which made it. What he insisted on was this—that the working of all these colleges, and of the system on which they were regulated, was for the benefit of the public, and that in each and every college the object of the governing authorities was to carry into execution the will of the founder, just as he would have done had he been living at the present day. In every case the common object of the governing authorities was the benefit of the youth who resorted to those institutions for education and instruction. The noble Viscount could not avoid admitting, that these institutions had worked well, and that latterly a great improvement had taken place in the system of education pursued under their auspices. The noble Viscount had also spoken of the great improvement in the system of education pursued in the New University of Durham, and in other new universities elsewhere. But, nevertheless, the noble Viscount could not help admitting that the old Universities of Oxford and Cambridge possessed the merit of having established in England an excellent system of education, which was in point of fact the envy and admiration of the world. The noble Viscount had compared the inquiry proposed to be established by this Bill with the inquiry instituted into the Universities of Scotland by the Government of which he had the honour of forming a part. It was true that a Commission of inquiry into the state of the Scotch Universities had been issued by that Government: but the noble Viscount had forgotten that his Majesty, as Sovereign, was the visitor of all Universities in Scotland. His Majesty was not visitor of the Universities of England. He understood, that if an inquiry were necessary in England, there was now existing without the aid of this Bill, a power to carry on such inquiry and to annihilate the charter of those colleges, which should be found guilty, if indeed any of them were guilty, of those crimes with which this Bill charged them all indiscriminately. He believed that, though there were colleges founded by private individuals, and acting under powers given to them by private charters, yet if it could be proved that the governors of those colleges did not comply with the conditions of those charters, or violated their oaths or dissipated the funds of their societies, or did not apply them to the purposes for which they were granted, the law was strong enough to deal with them, and it was not necessary to establish a commission like this—to establish in those seminaries such a system of conducting their affairs as the noble Earl opposite required. The noble Viscount had been pleased to complain of those statutes which required that every person resorting to the university should belong to one of its colleges or halls. He must say, that he considered that rule formed one of the greatest merits of our universities, and that the marked distinction between our universities and those of foreign countries—that distinction which rendered our system of education superior to that of the foreigner—was, that our youths must reside within the walls of their respective colleges, and were not suffered to reside at large in the town. The noble Viscount had discovered that it would be advantageous to have this regulation altered.

Viscount *Melbourne:* I have not.

The Earl of *Radnor:* I have.

The Duke of *Wellington* hoped and trusted that the rule would not be departed from. On the contrary, he sincerely hoped that the buildings and accommodations of the different halls and colleges would be extended so as to give reception and lodging to all who resorted to those seminaries for education, and that every student would not only have his name inscribed in the registry of his college, but would also be obliged to reside within it. The noble Earl had also been pleased to state, that these colleges had no relation to the universities, and that the universities had therefore nothing to say to this Bill. Now, to that statement he begged leave to reply, that in consequence of residence in the different colleges being forced upon the students, the colleges formed themselves into universities, and that the relationship between them commenced in that manner. There was therefore a natural connexion between the universities and their colleges, and he maintained in consequence that the University of Oxford was right when it stated, that it had an interest, and took an interest, in every thing which related to the affairs of the colleges within it. The statutes of both our universities had, we believed, relation to every member of every college within their precincts. It was impossible that the regulations imposed by the noble Earl —regulations which bore a close relationship to the Bills which his Lordship had introduced into that House in the course of the last three Sessions—it was impossible, he said, that those regulations could be carried into effect without affecting the universities as universities, without affecting all their statutes, and every part of the system under their superintendence. As the law now stood, there could be no professor in either university who did not belong to the Church of England. Was that a regulation which the noble Earl had in view in that clause of his Bill which enabled the Commissioners to frame new rules and orders for the two universities? It was impossible to let the noble Earl carry any such thing. The object of his Bill was evidently to overturn the system on which the two universities now stood. It had been tried twice to accomplish that object by direct means. A third trial was now made, in which it was attempted to accomplish it by indirect means. It could not be denied that these Commissioners were to propose this new mode of proceeding, which was to overturn all the old system of the universities to establish a new one in their stead. Under these circumstances he recommended their Lordships to accede to the amendment proposed by the right rev. Prelate—that the Bill be read a second time this day six months.

Lord *Brougham* should not detain their Lordships' attention longer than was necessary to state the reasons why he concurred with the view of the case taken by the noble Earl who moved this Bill, and the noble Viscount at the head of the Government. He could not help wishing, in the first place, to remove from their Lordships' mind the impression which had, perhaps, been made in respect of the Bill by the speech of the noble Duke who had just sat down, and who had described it as one of a perfectly different nature from that which he conceived it to be. He would only say, that his noble Friend had introduced this measure without any communication with himself upon the subject, though he believed that he had since told his noble Friend that if he had been consulted upon it he should have suggested the introduction of one or two clauses; which, indeed, it was still his intention to move if this Bill were allowed to go into Committee: and he must say, that anything more different from the description of the noble Duke, anything more distinct from the statements of the noble Duke—and upon which statements he was convinced nine-tenths of the noble Duke's objection to this Bill was grounded—any two things more different than this Bill and the noble Duke's description of it could hardly be conceived. The noble Duke stated, that this Bill would entitle the Commissioners, by themselves, or any two of their number, to put any question whatever which they might think proper to any person—be his rank what it might, be he head of college, fellow, master of arts, or student—to put any question to him, legal or illegal in itself; and upon his refusal to answer such question, how illegal soever it might be, the Commissioners had the power to apply to the Court of King's Bench or the Court of Exchequer, which, upon proof of the fact, were to impose upon the individual any fine which it might think fit, for his refusal so to answer an illegal question. Now, the fact was, that there was really no such clause in the Bill. The Bill said, that if any person being summoned before the Commissioneirs should refuse, that was, contumaciously and wittingly refuse, to attend to their summons, or, having attended before the commission, should refuse to give evidence touching the matter before them, then, that the Court of King's Bench or Exchequer might set a fine upon him for such contumacious refusal. Now, he would appeal to his noble and learned Friends opposite—one of whom was, and one of whom had been, a judge—whether if a case were brought before them under this clause, they would not construe the words, "to give evidence," to refer to such questions as the Commissioners were entitled to ask? They would not, he was sure, construe this compulsion to give evidence into an obligation to answer a question illegal in itself, or the answer to which would criminate the witness himself. But even supposing the Commissioners were to be construed to have this tyrannical power, and suppose the Court of King's Bench or the Court of Exchequer applied to—what then? Why the fine to be imposed upon the offender was in the discretion of the court, and might be to the amount of one farthing only. He must say, therefore, that the existence of any thing more opposite than the provisions of this clause, even in its most strained construction, to what it was described to be by the noble Duke, he was at a loss to imagine. The noble Duke said further, that the authority of this commission would go not only to inquire into, but to alter, the statutes and regulations of these colleges—to take them into consideration, and make new ones should this be thought proper. The right rev. Prelate also had taken the same view of the matter. Now this, if it existed, would indeed be a very extraordinary provision; and if this Bill granted any power like that he should certainly oppose it. But this Bill did no such thing. It gave the Commissioners power to examine the statutes of the colleges, to consider the propriety of altering them or substituting new ones in their place, and to propose such alterations or new statutes to the authorities competent to adopt them—to Parliament or the heads of colleges themselves. "Suggest" was the word;—a most delicate term: he found they were to suggest not new statutes, but the propriety of altering the existing statutes, or providing new ones in their place. That was the second objection, and he hoped he had sufficiently replied to it. The third and last objection urged by the right rev. Prelate against this Bill was, that it was not a Bill for the purpose of inquiry, but a bill of pains and penalties; a sort of bill for which he felt the greatest abhorrence, a feeling which he was glad to see was participated in by some of their Lordships; but he must say a kind of bill which he was at a loss to conceive why the noble Duke opposite should so object to it, unless, indeed, as it sometimes happened, that dealers in the same article were some times jealous of others in their trade. So far from being a bill of pains and penalties this bill went to inflict no one censure or punishment upon any one, it merely went to institute an inquiry into the state of the colleges, and to suggest remedies for any wrong management which might be found to exist in them. Now the objections raised against such a process by the parties interested in these colleges were such as really could not all exist together and at the same time. He must say he was surprised that the right rev. Prelate who had so long presided, and with so much advantage, over Oriel College did not see the strict accuracy of his noble Friend's argument, showing the plain and manifest inconsistency of these reasons. First, these petitioners said, "There must not, and almost there shall not, be any inquiry, because whatever alteration is suggested as the result of that inquiry, we shall in our consciences be bound to refuse to obey—it can't be done—no person on earth can remove us from the responsibility we have incurred by our oaths—we can't and won't submit." Then came another argument, which had been more dwelt upon here, and which had been very much brought forward by these petitioners—an argument quite contrary to the former, in every way repugnant and subversive of it. "Don't inquire," said the Petitioners, "there's no occasion; don't enact, there's no necessity; don't suggest, there's no need of your services in that way; we have abundance of the means of legislation amongst ourselves, and of effecting all necessary changes and amendments; don't attempt to legislate for us, we can do it for ourselves; we have again and again altered our statutes; we have adopted new rules from time to time to meet the circumstances of the period." Now, what his noble Friend stated, and he thought very properly, was, that the petitioners ought to make their election of these two arguments, they could not retain both; inquiry could not be both superfluous and impossible at the same time. It could not be said on the one hand, you must not make alterations because we shall be bound by our oaths to resist, and on the other hand there is no need for you to make alterations because we can do them ourselves. [The Duke of *Wellington:*—The colleges have visitors.] He was aware of that. To all these establishments there were certainly visitors. He had not forgotten that fact. But what he was prepared to show was, that notwithstanding their special visitors these establishments were not exempted from the operation of the law of the land. The first statute to which he would refer was the statute of charitable uses, the 43rd. of Elizabeth, by which it was certainly provided that, of the eleemosynary institutions for the purposes of education, those should be exempted from the operation of the enactment which had special visitors. The 58th and 59th of George 3rd, acting upon the same principle, also had a clause of exemption for such charities to which visitors were attached. The question of inserting or omitting that clause was very much controverted in the other House, though it was not discussed here, because the clause was in the Bill, when it came up to this House, and this House was not inclined to dispute the retention of it. After about ten or twelve years, however, what took place? By this time men's minds had become more enlightened, and it was then discovered on all hands that this Clause was not only useless, but extremely cumbersome, tending to impede the inquiry of the Commission. The consequence was, that when the Bill was renewed in 1831 the clause of exemption was omitted, and that without either in the one House or the other a single effort—not a movement at an effort—towards preserving that exempting clause. Therefore, when he was asked what he had to say to colleges which had their visitors, he said, "Look at the year 1831, and at what you yourselves then did, who never ventured to whisper one word of objection to that Bill, deprived of its clause of exemption." [The Duke of *Wellington.* That concerns charters.] He did not forget that. But one thing at a time was a very good doctrine. Every man who attempted to get through business knew that it was impossible to do two things at once; and this was equally true in respect to an argument as to more practical operations. The power of visitors was evidently quite different from that of Commissioners. The power of visitors was that of a judge, to decide upon points which came under their cognizance, and without appeal. But the question here was inquiry, and inquiry for the very purpose for which a visitor's powers, great as they were, and high and supreme, and without appeal, were totally inadequate—inquiry with the view of ascertaining whether there was any ground for a visitor's inquiry. The visitor's power was put in motion, but by whom? By the persons who made them masters of the fact, and who discovered the abuse. They must first ascertain whether there were grounds for calling into action the power of the visitor. The visitor was the judge, the person to determine, when after inquiry he should have satisfied himself. This was in itself an abundant answer to the apprehensions that were entertained prospectively of a conflict between the proposed powers of the Commissioners of Inquiry, and the existing visitor's powers. This would be very well if they had had no experience to the contrary, but after six or seven years experience of inquiries in every part of the kingdom, and into every manner of establishment, such an argument could not be allowed to avail. There were some of these establishments the revenues of which would do credit to collegiate endowments. There were some of them the importance of which might well bring them into competition with many considerable university colleges. Some of them had from 10,000*l.* to 12,000*l.* a-year revenue, and had great connexion with the universities by means of exhibitions; they were not confined to poor scholars, but in some instances educated between three and four hundred boys, and were, many of them, the largest and most flourishing schools in the kingdom. Had these felt their dignity offended by inquiry? Had the visitors complained? These visitors, be it recollected, were not founders or founders' representatives; but in many cases were right rev. Prelates. The most noble Prelate the (Archbishop of Canterbury) might himself be a visitor at some of the schools which were thus subjected to examination. Whether he regarded the totally distinct nature of the visitors, and the inquisitorial power which alone was the object of the Bill, or whether he regarded the practice and experience which they had had since the year 1831, in either case could he see no ground whatever for the sort of objection that had been made. The right rev. Prelate (the Bishop of Llandaff) and the noble Duke had taken one and the same objection—they had both asserted that the preamble of the Bill was incorrect in stating that these funds were originally intended to provide for the poor and the indigent. This had long been a matter of great interest; and it was quite impossible to say that the question was not still in a great degree unsettled. He thought it could hardly be laid down as a general rule, that these foundations were not confined, or were not originally intended to be confined, to at least poor scholars merely, because the word "indigent was susceptible of a construction that would disprove that of pauperism. How could the right rev. Prelate, by the power of his ingenuity, or by the resources of his classical lore, translate the word *indigens* to signify a want of the means of obtaining a proper education for the station, or rather a higher station than the one which the party was entitled to hold? But even if the right rev. Prelate could thus translate the word *indigens* standing alone, how could he thus translate the words *pauper et indigens*, and still more when he added the intensive particle *valde pauper?* He would not say that this meant very poor, lest he should exaggerate; but it certainly meant somewhat poor, rather poor, or if the right rev. Prelate wished it poorish. He, however, did not think he exaggerated when he said, that exceedingly poor was the literal meaning of the superlative of *pauper*. Lest, however, he should be thought to take any undue advantage, he would translate *pauper* to mean a somewhat poor man. This was the description of persons for whom many of these foundations were endowed. Granting that it was the original intention of the founders to establish these seminaries for the purpose of supplying the Roman Catholic Church with those numberless functionaries which the nature of the service of that Church required; granting that this was the manifest intention which justified these bequests in the eyes of the pious founders—and they were then taking it in its strongest sense—could they say that they would not make a wholesome deviation from the intention of the founders, though they might place these establishments on a somewhat different footing? That there had been deviations from the statutes there could be no doubt. Looking at the intention of the founders, a certain kind of persons was described as those who were to enjoy the benefit of the foundations. But did they think that the tripartite division of the emoluments and fellowships of Trinity-College, Cambridge, when one set of fellows took two fellowships, another set one and a half, and the third set only one, did they think this was carrying out the intention of the founders? These fellows were anything rather than indigent men. Many of them were men of fortune; he had known several of them himself; many were studying for the bar, and many were at the bar. What, again, would their Lordships think of Archbishop Chicheley's foundation—of the conduct of All-Souls' College, at Oxford? There the number of fellows was originally forty, and now, as his noble Friend had stated, it had dwindled to thirteen. [The Earl of *Radnor*: There are only thirteen out of the forty fellows in residence.] He thought that his noble Friend had meant to say, that there were now only thirteen fellows, but it appeared that there were forty, but only thirteen resident. The statutes of that college required that its fellows should be elected out of such as being of kin to the founder were *bene nati, bene vestiti, et mediocriter docti*. According to that, if there was any extravagance there, it was not in learning. What did their Lordships think of the statutes which required strict residence? It was well known that those rules were not followed, and he was far from saying that they ought to be, but residence was nevertheless required. There was a great difficulty in getting access to these statutes, and if they were locked up in an iron chest, with three locks and three keys, of which the master kept one, another person another, and another a third, it was not very wonderful that either his noble Friend (the Earl of Radnor) or himself should be at a loss, first to know what the requisitions of the statutes were, and next to find out whether they had been conformed to. He remembered a very great difficulty which arose in the way of an inquiry by a Committee of the House of Commons, in consequence of these statutes not being open to the public. On that occasion the same objection was taken by the Wykhamists of Winchester as had tonight been taken by the Wykhamists of New College, Oxford. The Committee was told that they had taken an oath to observe the statutes of their founder, and that they could not in conscience obey any other regulations, but the Committee told them that they could take no oath which could protect them against the lawful authority of the Legislature. This was not done by a Reformed House of Commons, and therefore his noble Friend could have no objection to the precedent; it was in the good old ancient times—for which his noble Friend opposite was sighing, and for which he hoped he might long sigh in vain—of corruption and rotten boroughs, that they were told that no person had a right to take an oath privately which was proof against the inquiry of one of the Houses of Parliament. The Wykhamists of New-college said, that they would obey no statutes but the statutes of their founder, William of Wykham; they asserted, that they were sworn to maintain his statutes only, but he asserted, on the other hand, that they were sworn to no such thing, and he would maintain that no oath which was administered by a private person could be set up as contrary to any oath which the Legislature of this country might choose to impose on them. Now, he did not mean to say, that no deviations from the statutes were necessary, but in any particular case of deviation, he wanted to inquire if the deviation was necessary. It was said that the preamble of this Bill charged offences against these colleges, of which there was no proof—that the charges were brought forward without a tittle of evidence. He did not call them offences, nor did he understand them to be treated as such in the preamble of this Bill. The preamble called them deviations and breaches of the statutes. He wanted an inquiry into the circumstances, in order to see whether those deviations were justified by the circumstances or not. If they were justified, they ought to be confirmed, and have the sanction of law, so as to put an end to the present odious, and to the parties themselves intolerable, position; namely, the law saying one thing, and the necessity of the case commanding another. Some of the statutes could not be carried into effect, or, at least, it was next to impossible that they could be carried into effect. Some of them were positively mischievous. Some of the regulations were pernicious now, whatever they might have been a long time ago. He did not mean to speak with the slightest degree of disrespect of the heads of houses; but he would ask, were not the statutes habitually departed from by themselves? He appealed to the heads of houses present. He appealed not to the most rev. Prelate (the Archbishop of Canterbury), whose brilliant career in college no man in that House could have forgotten, but who was not the head of a house; but he appealed to the right rev. Prelate (the Bishop of Llandaff), whether he had not borne ample testimony to the truth of the preamble of the Bill? The statement of his noble Friend (the Earl of Radnor) would with him have been sufficient, but the statement of the antagonist who had placed himself in the front of the conflict, and had made a motion which, if agreed to, would put an end to the Bill for this session, appeared to him, (Lord Brougham) the most unequivocal and expressive testimony to the truth of the only important and necessary part of the preamble? What was this statement? That the statutes had not been complied with—that they were broken habitually; but the right rev. Prelate was satisfied, because, in his opinion, these were mere trivial deviations. But if there were deviations, were they not to know the grounds of these deviations from the statutes? Was the present position one in which, consistently with the law, or with the comforts of the parties themselves, they could continue to be placed in? Would it not be a thousand times better to accommodate the law to the practice, and more especially when some parts of the law were obsolete, others manifestly inconvenient, and others highly mischievous, if literally fulfilled. An inquiry would ascertain all this. They could not suppose that they could remain much longer in the state in which they were placed. It was not wholesome for the youth who were educated in these places to see the rules, regulations, and the statutes of the colleges daily and hourly broken without punishment, and to see the oaths that were taken in support of these rules habitually broken by the masters themselves, without the punishment due to known offences, without being treated as offences, or even dreamt of being so treated. The object of this Bill was to have inquiry; and he wished to know, with all respect for the colleges, whether there was anything so sacred in their establishments as to entitle them to say these were the only establishments in the country into which the foot of inquiry or the eye of scrutiny should never pass. He was not aware of any title these or any other establishments of men or of Englishmen could have to such a right. If there had been no deviation from these statutes, what could be their objection to inquiry? If there had been no abuse in their funds, why object to a scrutiny? But those who should vote against the second reading of this Bill, and who should refuse to adopt the principle of it, which was inquiry, and inquiry only, he would ask those upon what grounds the Universities of Oxford and Cambridge, and those only, should never be visited by Parliamentary scrutiny? There was no objection to inquiry into all other corruptions, ecclesiastical and lay; they had all been subjected alike to the scrutiny of the Houses of Parliament; the Crown had issued commissions, and these Commissioners had investigated the affairs of all municipal bodies in England. A commission had even been issued to inquire into the Universities of Scotland. If they rejected this Bill they would be declaring that the English corporations, the Scotch corporations, the Scotch Universities, the English schools, all establishments, lay and clerical, all over the country, were subjected to scrutiny, except the two universities; and these were the reasons for the exemption—that the affairs of these universities were so perfectly well conducted that they had no dread whatever of the closest scrutiny, of the most minute and unsparing and searching investigation. They only locked up their muniments, and charters, and title-deeds, their rules, regulations, and statutes, their bye-laws and fundamental laws, under three locks, and then they challenge, they defy, inquiry! But no, that was not correct; they abominated inquiry, they abhorred investigation, and therefore they covered the table of their Lordships' House with petitions made up upon all manner of grounds, wholly inconsistent, and the last repugnant to the one that went before it; and yet they were told in that House that these persons defied investigation as a thing of which they had no reason to be afraid. The passing of such a Bill as this would further all the objects which they had at heart, and he hoped their Lordships would forgive him for venturing humbly to suggest that in passing this Bill they would not only benefit Oxford and Cambridge in its results, but in the Act of passing it they would also do that which would be highly beneficial to themselves. He thought that in the estimation of their countrymen they would do that which would be a very wise and a very judicious act, and one which, if it ever should happen—he did not say it ever could happen—he did not say it ever would happen—but if ever it should happen at any future time, by any means, right or wrong—let their Lordships be right or wrong—that they lost that high degree of favour which they ought to enjoy in the opinion of their countrymen, his belief was, that the passing of a measure such as this would tend to restore it.

Lord *Abinger* considered that he could not do justice to his own feelings, or to the attachment he had to the place in which he was educated, if he did not say a few words respecting the Bill then before their Lordships. There had been a great deal of declamation and a vast quantity of rhetoric wasted upon this Bill. To hear his noble and learned Friend speak in support of this Bill, it might be supposed that he was arguing upon the enormity of some well-proved grievance—that some great public injury had been done, and that his noble Friend was struggling on behalf of those who had a right to complain, and called upon their Lordships to grant an inquiry. Now, he begged to ask, who complained to that House? Who had petitioned? Who called upon their Lordships to make this inquiry? Had there been a petition from any college, or even from any member of a college, saying that the statutes had not been properly observed? There was nothing of the kind. There was nothing but the statement of the noble Earl, who came down to tell them that he knew very little about the matter, and then called upon them to grant a commission—to give him leave to have a Bill of discovery. The noble Earl and the noble Baron, on the one hand, declared that the books and statutes of the college were kept under lock and key—that they were carefully concealed; his noble and learned Friend, on the other hand, declared that the statutes were placarded, so that their open violation was known to all the students. [*Lord Brougham*: Both statements are true.] If both were true they appeared to him to be a little inconsistent with each other. He did not say that there were no statutes that did not require residence; but the statutes of Trinity College, he believed, did not require residence. Then he would say, that if there were a mal-administration of the funds, there was a sufficiency of spirit and intelligence in the college with which he was acquainted, to make at once an appeal to the Chancellor or to the King in Council, in order to have the matter set right. If, too, there had been a larger appropriation to the senior fellows from the funds than what it was considered they ought to have, the matter would long since have been complained of. Why, then, was an inquiry now to be granted? Was it because his noble and learned Friend imagined that there ought to be an inquiry? The oppression practised by the senior fellows, and all the other enormities they had heard of, were only to be found in the active imagination of his noble and learned Friend. Or was this to be a sufficient ground for inquiry—that a noble Earl said he was told something about an institution of which he did not know anything? There was, he considered, no Parliamentary ground for passing this Bill. He agreed with the noble Duke that before they passed a Bill of this kind they ought to have some evidence. They ought to have something in the way of public notoriety, or they ought to show by evidence that there had been a gross deviation from the statutes. It had been said that the right rev. Prelate had declared that there was a deviation from the oaths. He did not understand the right rev. Prelate to make any such admission; but that where there was some formal regulation made by the ancient founders, which was inconsistent with the present state of society, and the strict attendance to which would interfere with the views of the founders, that in such cases there was a deviation. With respect to one point, the expenses of the colleges, he begged to say, that these were no more now than they had been thirty or forty years ago. There was, he said, no ground for the Bill before the House, and he therefore should cheerfully vote in favour of the Amendment.

Lord *Wynford* opposed the Bill. He did not consider there was the slightest evidence offered in its support. Not one of the statements in the preamble had been proved, and though he might be ready to promote inquiry he should vote against the Bill.

The Earl of *Radnor* replied. In the course of his observations the noble Lord observed, that the noble Duke (Wellington) had indulged in some personal allusions which he was not justified in using towards him. The noble Duke had no right whatever to impute to him, as he had done, covert intentions, any more than he had the right to charge him with a design to further the sinister views of others. He acted in this matter from his own discretion, and the noble Duke had not the slightest grounds for imputing to him anything of the description which he had alleged. The noble Duke had pointed to two former Bills which had been submitted to the Legislature upon this subject, and to his (Lord Radnor's) conduct with reference to those measures, as proving upon his part the existence of a determination to procure the subversion of those institutions. Now, once for all, he would distinctly disclaim that he had ever been actuated by any such views. It had been remarked during the course of the debate, that the tendency and object of his Bill was to let in the Dissenters to the Universities, and to break up and destroy those bulwarks of the established religion. He, however, asserted that his Bill was simply for inquiry whether there was any ground for altering the statutes by which the two Universities were at present governed. He had complained of the students being indiscriminately required to subscribe to the thirty-nine articles, and he now reiterated this complaint, which was based upon the clear ground that of those articles there were some which even the most learned men did not understand. The noble Duke, and other noble Lords, had said that there was no evidence of the necessity of altering or amending the system pursued at the Universities. The right rev. Prelate (the Bishop of Llandaff) had, however, no objection to the appointment of a Committee of Inquiry. Now, he was ready to produce his witnesses at the bar of their Lordships' house to prove in detail the existence of the abuses of which he had complained. Would the noble Duke agree to that?

The Duke of *Wellington.*—Agree to what?

The Earl of *Radnor*: To have a Committee of Inquiry.

The Duke of *Wellington:* There is a substantive Motion already before the House. Will the noble Lord, before he asks me to agree to another Motion, dispose of that first?

The Earl of *Radnor* had merely spoken of the Committee of Inquiry in consequence of the right rev. Bishop (Llandaff) having expressed his willingness to consent to that mode of proceeding. But as the noble Duke was known to possess great influence in their Lordships' House, he was naturally unwilling to propose such a measure, even in conjunction with the right rev. Prelate, without the concurrence of the noble Duke.

The Duke of *Wellington:* My Lords, I have already stated that I see no grounds whatever for inquiry. I stated also, that if there be any legitimate ground for inquiry, any real abuses existing in the management of the colleges, there are legal modes of inquiring into the existence and extent of those abuses, and legal modes of applying a remedy, and, I therefore say, my Lords, that I cannot consent to the application of any remedies but those which are legal and regular.

The Earl of *Radnor* said, that he really knew not to what legal remedies the noble Duke alluded, if he were to except the authority of the visitors, which, after all, had been found to impose a very ineffectual restraint on abuse. The noble Lord then observed, that the only point in which any improvement had been of late observed in the universities was, that they were much better schools than formerly. They were, at the same time, however, much less learned bodies than formerly. The reputation which they had at one period borne was very much lessened of late. A friend of his had recently been no little astonished by hearing the observation made in Germany that the study of the Greek language was little (if at all) prosecuted at Cambridge; and this assertion was based upon the fact that no authors of eminence upon the Greek language had recently arisen at that University. Oxford stood not high in point of either theological, classical, or scientific pretensions. Dr. Pusey, in a recent work upon cathedral institutions, had very much underrated the theological course which was read at Oxford. In classical literature the merits of the Universities might be estimated from the fact, that of those who were concerned in publications upon such subjects at Oxford very few were competent to the task. With reference to science, he had only to refer to the testimony of Mr. Powell, the Regius Professor of Astronomy at Oxford, who had recently stated that the University of Oxford gives a monopoly to classical literature to the prejudice of the sciencies. The noble Lord concluded by reiterating his assertion that the Universities could no longer be considered as places of leisure for learned men.

Amendment carried, Bill put off for six months.

PROTEST.—The following protest against postponing the Bill for six months, was entered on the Journals.

"Dissentient: Because—

"First, These colleges and halls are eleemosynary foundations, similar to others which have been inquired into; and no reason was alleged why they should not be inquired into as well as the others.

"Secondly, They are peculiarly fit objects of inquiry; inasmuch as,

"1. The present statutes of the universities requiring that all matriculated members shall belong to, and be inmates in, some of the said colleges or halls, and subject to its discipline, the said colleges and halls have acquired a public character and a national importance which originally did not belong to them.

"2. The said colleges and halls are, for the most part, of very ancient foundation, and many of their statutes, contemplating a state of society very different from the present, and a religion other than that now established, are totally inapplicable to the present times, and impossible to be observed.

"3. Obedience to the statutes is generally (if not in all cases) enforced by the solemnity of oaths, which, from the necessity of the case, are explained away, evaded, or openly violated.

"4. It was avowed in the debate that such was frequently the practice; and this practice, in our opinion, dangerous to public morals, was palliated, if not justified.

"Thirdly, It is alleged in the petitions against the Bill sent up from several of the colleges, and presented to the House, that the fellows and scholars belonging to the same were sworn to obey the original statutes of the founders, and to admit of no deviation from them; and that there existed no power, either in the governing members of those institutions themselves, or in their visitors, to alter, modify, or amend them; and therefore no power short of that of Parliament can effect that object.

(Signed) "Radnor.
Vassal Holland.
Brougham.
Hatherton.
(For 1st and 2nd reasons) Sommerhill.
Duncannon."

HOUSE OF COMMONS,

Tuesday, April 11, 1837.

Minutes.] Bills. Read a third time:—Penitentiary (Millbank), Mutiny and Marine Mutiny Bill.—Read a first time:—Uniformity of Process; Judicial Factors (Scotland).

Petitions presented. By several Hon. Members, from various places, against the Abolition of Church-rates; and from Twickenham, Great Marlow, and other places, against the ministerial Measure.—By Mr. Wilks, and other Hon. Members, from various places, for the Abolition of Church-rates; from Leeds and various other places, for the ministerial Measure.—By Lord G. Somerset, Mr. Wilks, and other Hon. Members, from Halsted, Stroud, and other places, for an Inquiry into the mode of providing Medical Relief by the New Poor-law Act.—By Sir James Graham and Lord Henniker, from Bridgend and Cambridge Union, for Amendment of New Poor-law Act.—By Mr. P. Howard and Lord Henniker, from Rochford and Wangford Union, against the Repeal of New Poor-law Act.—By Mr. Tooke, from the Inhabitants of the Liberty of the Rolls, for Equalisation of Land-tax.—By Sir A. Leith Hay, from Banf, complaining of the Advantages enjoyed by the Owners of the Post-office Shipping List over similar Lists, which are burthened with Postage Dues.—By Mr. Hastie, from Paisley, for a Household Suffrage; and from Dalmellington and Maxwelltown, for Burghs of Barony (Scotland) Bill.—By Mr. O'Connell and other Hon. Members, from various places for Abolition of Tithes (Ireland).—By Mr. O'Connell and Mr. Morgan John O'Connell, from several places, for Municipal Corporation Bill (Ireland).—By Mr. O'Connell and other Hon. Members, from various places, for Irish Municipal Corporations; for Abolition of Tithes (Ireland); and for Vote by Ballot.

Municipal Corporations, Ireland. — (Third Reading) — Adjourned Debate.] The Order of the Day for resuming the adjourned debate on the third reading of the Municipal Corporation (Ireland) Bill having been read,

Mr. *Hume* said, it was not his intention to intrude very long upon the patience and attention of the House, but feeling strongly the importance of the measure now before the House, as essential to the peace of the United Kingdom, and feeling also that its rejection would be of serious consequence to the Church of Ireland, he wished to state to the House what he had hoped past experience would have taught them, viz.—the evils that would, in his judgment, ensue if the opposition to this Bill should succeed. He would ask hon. Members opposite, whether the events in relation to the Church of Ireland, which had taken place during the last fifteen or sixteen years, should not teach them that on this occasion they ought to have pursued a very different course. The opposition to the progress of this Bill rested solely on the injury which it was alleged would be done to the Established Church in Ireland. Now, in 1822, when he urged upon the House the reform of the Irish Church as a step to other important reforms, he took the liberty of stating frankly and fairly that which he now repeated as his conviction, that the Church of Ireland had ever been the bar to all improvements in that country, and he was quite confident, judging from the history of the past, that no effectual reforms, no peace could be expected there, until that sinecure Church—the Church of the minority—was reduced according to the scale of its communicants. Until this was done, there would be no chance that peace in Ireland would be maintained—none that the union, so essential to the welfare and happiness of both countries, would be preserved. The noble Lords, the Members for North and South Lancashire, on a former night, and hon. Members on the opposite side, last night, founded their opposition to this Bill solely on the suggestion, that the proposed extension of popular power would be dangerous to the Church of Ireland, and on this ground they resisted that corporate reform for Ireland which the people of England and of Scotland had already obtained. This course was fraught with injustice, and though noble Lords and hon. Members opposite had been warned and advised to yield in time, and to redress grievances long felt and complained of, yet they seemed determined to pursue their own course, even at the risk of the peace and tranquillity of the country. But the people ought to know that the allegations on which the opposition to the measure was grounded, were not those which ought to weigh. The cry of the other side was, that the Church (meaning thereby the religion of the country) was in danger. He denied this; it was not that religion, but the rich sinecures and incomes, that would be endangered by the passing of the Bill; and these were the real grounds of the present resistance to the progress of reform. In a word, religion was made the stalking-horse; but the danger to the revenues of the Church was the real ground of opposition to this Bill. It had been said, that though this Bill might be passed by the House, yet there would be no chance of its passing in another place. He begged to say, that this House ought not to be influenced by any impediment that elsewhere might be thrown in the way of this measure, but rather ought to do its duty, and send up such a Bill as, in the opinion of the majority of this House, was calculated to give to Ireland an equality of civil rights. The majority of the people of Ireland ought to have the same advantages as the majority of the people of England and of Scotland; but until the Church of Ireland was reduced in its power—indeed, destroyed as regarded its supremacy—the people of Ireland would not be satisfied. He owned he was surprised that the noble Lord, the Member for North Lancashire, who had formed a part of that Government which had given corporate reform to England and to Scotland, should now turn his back upon himself, and tell the people of Ireland that, on a plea of religion, he would not consent to give them equal civil rights. He (Mr. Hume) had often heard the noble Lord, when on this side of the House, point out, in able and eloquent terms, the evils which had resulted from the system which had formerly existed, of refusing civil rights on the ground of religious faith; and he was at a loss to account for the strange perversion of reasoning which had led the noble Lord now to go back from his former sentiments. The other noble Lord, the Member for South Lancashire, and a noble Lord in another place, had both contended that this Bill would make the Corporations the arenas for political discussion. Was it, however, to be supposed, that because Corporations did not exist, the people would not meet, and that an arena for political discussion would not be found in every town and parish, or that the discussions would not be mixed up with much bitterness, from the conviction that the refusal of civil rights was to be attributed to the existence of a sinecure Church, to which the minority of the population belonged? He therefore contended, that hon. Members opposite were, by their present course of action, driving headlong to the destruction of the Church of Ireland. The majority of the House and of the intelligence of the country was opposed to such a course of policy towards Ireland. The sinecure Church of Ireland was a positive monstrosity. He was not inclined to think that a Church Establishment was in any respect essential to the constitution or welfare of the country; indeed, he thought the Constitution would be purer and better if there was no Established Church. He had never advocated the abolition of the Established Church in England; but, proceeding on the principle which actuated their forefathers when they established Protestantism, as being the religion of the majority, he did not see how the principle—least of all, how the present scale, of the Irish Church could be maintained in Ireland. An hon. Friend near him said, the Church of England was the true religion, but he was a wise man who knew what the true religion was. They had seen every form of religion in different ages and different countries declared to be the true religion. But if this Bill were rejected elsewhere—if the Irish people, increasing in intelligence and power, were taught to consider the Established Church as the only barrier to their enjoyment of civil rights, and equal immunities with the English and the Scotch, it was impossible not to see to what a state of jeopardy they would thereby expose that branch of the establishment. The rejection of this Bill, so far from lessening the evils which the Church now suffered, would only increase the dissatisfaction it engendered, and rouse the people of Ireland against it as their common enemy. He regarded this Bill as but an instalment of what was due to the Irish people, and if it were refused, they would be driven to call for a repeal of the union as the only chance they had of obtaining equal laws and institutions. From an English House of Lords and Commons apparently they had every opposition to contend with. Lord Mulgrave had done much, more than had ever before, in the history of any Lord-Lieutenant, been accomplished, by the wisdom and justice of his procedure to secure peace, and defeat the atrocious attempts that were made by speeches in that House and elsewhere to excite insurrection in Ireland. He hoped the tranquillity of the country would still be maintained; the people of Ireland might depend on it, if this measure were rejected now, it could not long be withheld. Its rejection would only tend to hasten and prepare the way for other and more extensive reforms. Hon. Members opposite might think by refusing to pass this measure they would curtail the power of his hon. and learned Friend the Member for Kilkenny; but they were altogether mistaken. And even if that hon. Member were withdrawn from his present position in the country, there would not be wanting others to agitate successfully in favour of equal rights and privileges for the people of Ireland. With respect to the Bill itself, there might be anomalies in it; but he took it as a whole, and the people of Ireland were satisfied with it. He hoped hon. Gentlemen opposite would at last learn prudence by the experience of the past: if they did not—if they persisted in their present course of blind opposition to the will of the people, he hoped he should live a few years longer, if it were only to see the mortification, the confusion and dismay, with which their own obstinate resistance of moderate measures of reform must speedily overwhelm them. It was not his fault that the progress of reform had not been more rapid. He hoped, however, that the people of this country would at length see there was no hope of good Government while the minority in that House was so numerous. They must increase the majority before they could expect really good Government —not a Government to maintain the peers in their power, and the aristocracy in their privileges, but which should look to the general interest of the community at large. Reform was making rapid progress. He had commenced the reform of the Irish Church many years ago, and he was glad to see it now recognized that Church property was actually national property—that there was no Church property at all, and if that House were to adopt the system of the Quakers, the whole of what was called Church property would immediately revert to the State. Aristocracy had already had its day—he trusted its converse, popular power, real democracy, was now about to have its turn too. It was gratifying to him to think that already aristocracy was going down the hill, and he was happy to see that its advocates were adopting the best means, by their opposition to this Bill, of hastening their own downfall. He cordially approved of this Bill, and should give it his most strenuous support.

Mr. *A. Trevor* would not have ventured to trouble the House upon the present occasion, but for certain expressions which had fallen from the hon. Member who had just sat down. The hon. Member had denounced the other House of Parliament, extolled the learned Member for Kilkenny as the great hero of the age, pointed out the awful consequences of the course which (the Opposition) were about to pursue, and crowned the whole by pronouncing no small eulogium on himself. But let the consequences of their present course be what they might, if the Church of England and Ireland were destined to fall they were prepared and willing to fall along with it. They felt it to be their duty to uphold those principles which had been handed down to them from their ancestors, which were not only perfectly consistent with, but the real foster-parent of all sound and rational liberty. He looked upon the present and every other measure introduced by the Ministers as having for its object to convert Ireland from a Protestant to a Popish country. The hon. Member for Middlesex, had himself admitted that this Bill was only an instalment intended to prepare the way for further and more extended innovations. Past experience had proved what they must expect from concession. They had been told a few years ago that, Catholic emancipation granted, Ireland would be content, and nothing further would be demanded, yet what had been the consequence? It was now seen to be only the beginning of the end. If this measure were conceded Ireland would not be satisfied; the more they were disposed to yield, the more would be required of them. A stand must be made somewhere, and he conceived no better stand could be made than around the altars of their holy religion. This Bill would give complete power to one party over the remainder in Ireland, and once let that party acquire supreme power, history warranted him in predicting it would not be so tolerant as the members of the Church of England; they would have tyranny and oppression of the most cruel description, and in its worst and most painful forms. The hon. Member for Middlesex had represented the Established Church as the enemy of improvement—the stumbling-block and bar to the public well-being. On the other hand he conscientiously believed that, but for the Established Church of the United Kingdom, the state of the people in general would have been far more deteriorated than it was; and when that Church fell, every other privileged order, and property of every description, would fall along with it. What might be the fate of this measure in another place it was not for him to say; but whatever their decision, he was sure the Members of the other House of the Legislature would perform their duty to their country in a manner as manly and as honourable as heretofore, conducive to the welfare and best interest of the country.

Mr. *Gally Knight:* I sincerely hope the wish which the hon. Member for Middlesex expressed about himself may be fulfilled; but I cannot say that I think his speech was calculated to reconcile Gentlemen on this side of the House to the measure proposed. It will increase their alarms instead of inspiring them with confidence; and as no material alterations have been made in the Bill during its progress through the Committee (and it would have been useless for us to have attempted any, for we are in the hands of not a very conceding majority, and no attempts would have been successful), it is impossible for me or for any man who has voted against the Bill in its previous stages, not to vote against the third reading; but, at the same time, I am free to confess, that it would give me great satisfaction if at some future time this Bill were to return to this House under similar circumstances, and with such modifications, as would enable us to bring this *vexatissima questio* to a conclusion. When I say this, I have not ceased to think, that in a country so peculiarly circumstanced as Ireland, where two contending parties are in constant presence, and where both are very susceptible—I have not ceased to think that the introduction of mere debating societies would not prove a complete remedy. If Ireland were not so peculiarly circumstanced, I should not have a moment's hesitation, for, without admitting the applicability of all the arguments which the hon. and learned Member for Liskeard, with so much eloquence and ability, drew from ancient history—without admitting that municipal institutions are of as much importance to these islands as they were to the unrepresented towns of the less free Roman republic, or in the turbulence of the middle ages, I do admit that municipal institutions are a legitimate object of local ambition, and an useful occupation of local talent; and if the people of Ireland would only be satisfied with what affords satisfaction in a neighbouring country, where the democratic principle is more advanced than it ever will be, I trust, in this country—if the towns of Ireland would only be satisfied with what satisfies the towns of France, I should not entertain the same apprehensions. The municipal towns of France are contented with the management of their own local affairs, and never dream of entertaining political questions. I should have thought that any towns might have been satisfied with what affords satisfaction to Lyons and Marseilles. We do not set our faces against Municipal institutions—we do not say that the people of Ireland are incapable of managing their own affairs—all we do say is, that, under the peculiar circumstances of the case, we doubt whether it would be either wisdom or kindness to establish arenas for political discussion. But if the whole people of Ireland really consider the refusal an insult, if the whole country is to be kept in a permanent state of anger and agitation, then I cannot deny that to be the greater evil of the two, and to get rid of this greater evil—to prove to the people of Ireland that we think them in no way inferior to ourselves—to prove to them that the restoration of Protestant ascendancy is no part of our object, but the fair distribution of power and emolument, without reference to religious creeds, I should be ready to make concessions, whenever it can be done without endangering those institutions upon which the people of England set too high a value to permit them to be shaken with impunity. I know that an expression made use of by the hon. and learned Member for Kilkenny, has indisposed the minds of many to the measure now before us. The hon. and learned Member said, "give me the Municipal Bill, and I will get all the rest." I do not feel certain that the prediction of the hon. and learned Gentleman would be fulfilled; but of this I do feel certain, that if the hon. and learned Member for Kilkenny thought that by any expression of his, he could induce the Conservatives to take an impolitic course, he would gladly convert himself into an *ignis fatuus* to lead his opponents into a bog; and as far as

Dublin is concerned, we know, by the registration, that in that city the hon. and learned Gentleman would not be omnipotent. I should now, therefore, be disposed to shape my conduct with reference to any expressions that may drop from that hon. and learned Gentleman. I feel that, as the Bill now stands, it is impossible for me to take any other course than that which I did before, but I repeat it, it would afford me great satisfaction to see this question brought to a conclusion."

Mr. *O'Connell* said, the hon. Member who had just sat down had made a very un-English sort of speech, by holding up the case of French towns as examples to be followed by England in refusing the advantages of a participation in political rights to Ireland.

Mr. *Knight*: The towns in France had municipal rights, but they did not pervert them to political purposes.

Mr. *O'Connell*: Those towns had portions of political rights only; they had no entire political rights; and therefore it was that he was about to comment upon the instance quoted of the French towns. The hon. Gentleman had given them strong reasons for voting one way, and had declared his wish to vote for the Bill, and yet persevered in the determination to vote against it. With reference to the words which had been imputed to him, if he had not had an ulterior object in view, he should not have adopted them. He should not now perform his duty if he did not make an appeal once more to the English Legislature, or rather to such portion of it as would condescend to listen to him, and to hear him again advocate his favourite demand of "Justice to Ireland!" Yes; he demanded justice for Ireland. There could be no tranquillity in that country, and God forbid there ever should be, till they obtained justice. Till they obtained justice agitation would increase. But the hon. Gentleman ought to make his vote tally more with his argument. Now he called for justice for Ireland. Justice consisted in an equality of civil and political rights. England enjoyed the advantages of Municipal Corporations; Scotland the same; and should he be told that Ireland was not to have Municipal Government? Did hon. Members on the opposite side seek to postpone the concession of this right to Ireland? Suppose that Ireland already had her Municipal Corpora tions, and that Englan also enjoyed the same privilege, and that they refused Municipal Institutions to Scotland—suppose that case, and he would contend that England dared not refuse the right to Scotland. But they dared to refuse it to Ireland, because it was thought that that country was not so united, and that she was distracted by party animosities. But put the case again in another way. Suppose Scotland and Ireland to have Municipal Corporations, and to refuse them to England. Oh! what a show would they make on the other side of the House, advocating the giving Municipal Corporations to Scotland and Ireland, and refusing them to England. He did not think they would ever be again restored to their situations; he did not believe that they would ever have time to canvass their respective constituencies; because he should hope that in such a case the people of England would assert the right which they had to resist oppression, and if necessary to terminate the contest by the destruction of their tyrants. Though the Irish people had been more accustomed to the domination of tyrants, hon. Gentlemen speculated wrongly if they thought the young heart showed so little emotion or feeling when she was refused that which had been conceded to England and Scotland as not to feel the wrong and the insult which were heaped upon her. They might come forward with paltry pretences and empty words—they might give them vague excuses—but what signified their words? Was not the fact this, that Scotland and England had secured for themselves Municipal Reform, and that Ireland had not any such advantage? What then became of their words? He knew that there were always multitudes of reasons to be found when it was thought fit to oppress the people of Ireland; there were religious bigotry, national antipathy, and individual malignity. He would say take the three, and he would show this, that they had had to contend against the whole three combined. The history of Ireland was full of instances of the fatal effects of the combination of the three. He would defy the hon. Member who had preceded him, and those who might follow him, to point out a single period of English history when England had ever governed Ireland justly. It was a history covering a period of 700 years; and the grievances of the country, with the actors in the Government, had differed in various transactions, but the principles of each succeeding Government had been the same—the grievances had been the same in amount—the government of Ireland had been still carried on unfairly and by faction. And now there was abroad this miserable feeling, that respectable men would allow themselves to be carried away, by a weak or party feeling, to the consideration of the question, whether the Irish people should be considered and treated as aliens to the constitution of England, or amalgamated with it, and thus form a great portion of the strength of the British nation. No Government could be unjust and strong at the same time. They might try experiments by these pretences—by the aid of religious bigotry, national antipathy, and individual malevolence. But individual malevolence was so poor a motive to action that it could not be admitted as an argument. National antipathy was, indeed, the principle upon which those persons had too long acted who opposed good government for Ireland. To what extent had it been carried in another House? There, to vituperation had been added insult, and insult to injury, which never could be sufficiently reprobated. Now he did not think that was a prudent course. The persons who acted thus were more safe in infringing the rights of the Irish people than they could be by inflicting insults upon them. Men were always more irritated by insult than by injury; and yet the hon. Gentleman talked of his wish to conciliate when he sat beside those who had both injured and then insulted the people of Ireland, and considered that that was the proper course to be taken. The hon. Member for the University of Dublin had stated, that he considered the municipal franchise of itself of little value. In showing that he undervalued this power, the hon. Gentleman took not a speech, but a letter of his (Mr. O'Connell's), and he read this paragraph: "It is quite true, that if Lord Lyndhurst had contented himself with limiting his proposition to the mere extinction of Corporations I would have voted for that Bill." The hon. Gentleman quoted this part of this paragraph to show that he (Mr. O'Connell) was ready to vote for the extinction of corporations; but he left out the concluding words—"and looked for new corporations immediately afterwards." This was a specimen of the candour which had marked the hon. Gentleman's mode of proceeding. Did the hon. Gentleman deny these words? [Mr. *Shaw*: No!] Nor could any other person for him? The noble Lord, the Member for North Lancashire, had made a speech last night which exhibited less of his character, and less mental power than usual. The noble Lord, too, had dwelt much on the subject of the declaration which he maintained was required to be made, but which had been omitted in the present Bill. The noble Lord contended, that the 5*l.* franchise was too little in Londonderry, and made a difference in the principle of the measure. The noble Lord referred to the question of the sheriffs, and said, he would rather have them appointed directly by the Corporations. He could easily conceive why the noble Lord would prefer having them so appointed; it would hereafter supply him with a powerful argument against the Bill. They had already experienced the evils resulting from the appointment of partisan sheriffs in Ireland; and it became absolutely necessary that no officer of the kind should be appointed except upon the responsibility of the Government. They had been told in the course of the discussion, that the question was now only one of time. It was admitted, that the time would eventually come when the Corporations of Ireland must be reformed; but, said the hon. Gentlemen opposite, it is not convenient for us to reform them at present. Was it right or proper—would the House sanction such a course—that the Irish nation should be insulted and kept in a constant state of agitation upon a paltry question of time. Would the House allow this outrage to be inflicted upon Ireland for a few weeks or months, until some altered circumstances, some shifting perhaps of office, when it might suit the pleasure or the policy of the Gentlemen opposite to concede a measure which they themselves allowed could not be long withheld. What an argument to place in the mouths of the repealers. "We admit that you are aggrieved, but we will not remove the fetters we have fixed upon you until it suits our pleasure and convenience to do so." If the hon. Gentlemen opposite stood upon a bold and distinct ground, and said that the corporations should not be reformed at all, or that they should be totally extinguished, and nothing of the kind substituted in their stead, there would be some consistency in their conduct; but how paltry, how insignificant, how unworthy of themselves, how insulting to Ireland was their behaviour when they said, "We know you are aggrieved, but the time at which it may please us to wipe away your wrong has not just yet arrived." Why would they not do it then? They told them (them, the Representatives of Ireland) that the Irish people were not fit to receive British institutions. Not fit to receive them! The tendency of British institutions was to elevate the human character. Then, if the Irish people were not sufficiently elevated in the scale of civilization, the way to raise them and to render them ultimately fit for the enjoyment of British institutions was to give them British institutions at once. This argument of unfitness for the reception of British institutions was the same that had been advanced against the Irish people for the last 600 years. They had always been told that they were not fit for British institutions. He repeated, give them British institutions, and they would speedily become fitted for the full and true enjoyment of them. The language of the opponents of Ireland was always this—"We will give you British institutions when you are fit to receive them;" but they studiously and carefully withheld from Ireland the institutions of Great Britain, in order that the Irish people might never be fitted to receive them. Such conduct reminded him of the village clown who was determined never to go into the water until he had learned to swim. So it was with these institutions; they were kept away from them, and they could not, therefore, be fit for them, any more than the clown could swim who would not enter the water. Religious bigotry he had before alluded to as our excuse for withholding Municipal Institutions, and he would appeal to his hon. Friends, the Members for Weymouth and Caithness whether the best course they would adopt as sincere Protestants, who must naturally wish the conversion of Catholics to Protestantism, would be to attempt it by persecution? He was perfectly convinced that his hon. Friends were in error, and if he wanted to convert them to Catholicism the worst thing he could do would be to attack the church to which they belonged. But this system of religious bigotry and persecution began with Queen Elizabeth, and had continued down to the present time. How did she introduce the Protestant religion but by slaughter and treachery? To entitle the natives to come within the pale the first step they were compelled to take was to bring the head of some murdered relative, and so great was the cruelty prevailing, that when it was found that by butchering with the sword the work of slaughter could not be carried on fast enough, the harvests were destroyed, and the people died, in the words of the historian, "in the fields, their mouths green from eating herbs to save them from starvation." It was the same in the reign of James, who conquered the province of Ulster, and hunted the inhabitants in their bogs and mountains with bloodhounds. This he did in the name of God, and for the advancement of the Protestant religion. Cromwell, too, with the sword of the Lord and of Gideon, as he was pleased to call it, attacked and slaughtered the garrison of Drogheda, and, his hands reeking with blood, wrote to the Parliament to inform them of the triumph of the Protestant faith. That was not religion. If the Revolution were then put down matters would be found still the same. The Irish were not defeated in the Revolution. William the Third left 2,000 of his best troops under the walls of Limerick. The Irish surrendered then on terms of security; they had, moreover, the pledged word and honour of the King for their safety and protection. The treaty entered into with them, was, however, observed only so long as the Irish troops were in the country: when they left for France, and when the land was garrisoned in all parts by English and Dutch forces, then it was most shamefully violated; and one of the most iniquitous codes ever devised by the ingenuity of man was enacted against the people of Ireland. By that code, all learning was prohibited to Irish Catholics, and they were also forbade to hold property. They were thus made ignorant paupers. A penalty of 10*l.* a day was levied on every person having a Popish instructor in his house, and the punishment of transportation or imprisonment for life was inflicted on the hapless tutor. Also a child sent abroad by his parents or relatives for the instruction which he was denied at home had all his property confiscated. A Catholic could not hold real property for a longer term than thirty-one years, and then only while his interest in it did not exceed 6*s.* 8*d.* in the pound. The moment it went beyond that, any Protestant might file a bill of discovery, and at once enter on possession. He (Mr. O'Connell) was himself a victim of that law. An ancestor of his had purchased certain estates, when a bill was filed against him because he was a Catholic, and the property for which he had paid was wrested from him. The same principle was still at work, though in a lesser degree; for now the Catholics had become too strong for their oppressors to persecute them so openly and so grossly. It was the same feeling which Burke described in his letter to Sir Hercules Langrishe, in 1792. He would read a passage to the House. Speaking of the rebellion of 1641, Mr. Burke said:—" By the issue of that war, by the turn which the Earl of Clarendon gave to things at the Restoration, and by the total reduction of the kingdom of Ireland in 1691, the ruin of the native Irish, and, in a great measure, too, of the first races of the English, was completely accomplished. The new English interest was settled with as solid a stability as anything in human affairs can look for. All the penal laws of that unparalleled code of oppression which were made after the last event, were manifestly the effects of national hatred and scorn towards a conquered people; whom the victors delighted to trample upon, and were not at all afraid to provoke. They were not the effect of their fears but of their security. They who carried on this system looked to the irresistible force of Great Britain for their support in their acts of power. They were quite certain that no complaints of the natives would be heard on this side of the water with any other sentiments than those of contempt and indignation. Their cries served only to augment their torture. Machines which could answer their purposes so well must be of an excellent contrivance. Indeed, in England the double name of the complainants Irish and Papists (it would be hard to say singly, which singly was the most odious), shut up the hearts of every one against them. Whilst that temper prevailed, and it prevailed in all its force to a time within our memory, every measure was pleasing and popular, just in proportion as it tended to harass and ruin a set of people who were looked upon as enemies to God and man; and, indeed, as a race of bigotted savages, who were a disgrace to human nature itself." It reached its full force at that period; it was now going down; but it was not as yet totally extinguished. The debates in that House, and the insults offered to the people of Ireland elsewhere, were in the same spirit—still unfading and warm. Protestantism in Ireland was not a religion of beneficence. It came armed with the sword, it looked for war, and it would not have peace. Carnage, plunder, hatred and violence attended its track. Carrickshock and Rathcormac still cried aloud. The blood of the son on the feet of the clergyman even while he tendered the Bible to the mother for the purpose of swearing her to pay his 4*s.* 6*d.*, still reeked in the memory of the country. If all the arguments were on the opposite side, that fact alone would counterbalance them. The people looked naturally on Protestantism as the cause of all this; and it was associated in their minds with the horrors of Moloch, and of Juggernaut. Yet all these were entrenched behind the old corporations. If the right hon. Member for the University of Dublin were present, he should tell him a little of the enormities of the Dublin corporation; how they extracted by their Court of Conscience 2,000*l.* a-year from the poorest of the poor. Why, then, link them with the Church? It was like the conduct of the tyrant of yore, who tied a dead body to the living man, and left him to perish with it. The hon. Member for Cumberland, who spoke last night, said, " It is not my fault, if I connect the topics of the Church with that of the corporations. I am compelled to do so, because they have been previously connected by the hon. and learned Member for Kilkenny." He (Mr. O'Connell) considered both as grievances, and no doubt had mentioned them both at the same time—perhaps in the same breath; but it did not follow that he had in any way linked them with each other. The fact was, that to him the existence of each of those grievances was a weapon of strength. Take away either of these and he was at once deprived of one of his most powerful arguments in the cause of Ireland. Take them both away and he at once changed places with his present adversaries—they would become strong, he weak. Whilst it was denied that either the Church or the Corporations, as at present constituted, was a grievance, his power must continue. He had trespassed longer on the time of the House than he intended; he stood there to demand justice for Ireland; and the ground of his demand was, that justice had already been granted to England and Scotland. He had raised his voice in vain to obtain for his country as large a measure of Parliamentary Reform as had been granted to England and Scotland; and he had told his countrymen that if they had a domestic Legislature, they could not be deprived of justice on paltry excuses. The manufacturing industry of England and Ireland had become more active and enterprising when the Parliament became independent; each in its infancy required the fostering hand of good government,—they had started together, and in some things, the people of Ireland had been more successful. But the prosperity of Ireland had been retarded by religious bigotry. How many administrations had been changed by the "No popery" cry, that it was now again attempted to raise. His countrymen had been the victims of misgovernment, they had been robbed, plundered, and insulted, and there he (Mr. O'Connell) stood to implore that House to do at last one act of generous justice—to place them on the same footing as the people of England and of Scotland —to declare to them that there was henceforth to be no difference between them. They were well enough disposed to listen to argument, but fraud and insult only disinclined them to hear the voice of reason. To those who endeavoured to withhold the boon he would only say, "Your paltry corporations, the last remnant of your tyranny and oppression, may give you a temporary protection but I tell you emphatically that seven millions of Irishmen will not endure them long. The elders amongst us may bear with it, because we have been bred up in servility, but there is young and violent blood in Ireland which will not long submit to the tyranny practised upon ourselves and our fathers."

Mr. *Finch* contended, that the principle laid down by the hon. and learned Member for Kilkenny, if carried out to its full extent, would lead to the inevitable destruction of the Established Church in Ireland. He maintained that there was no need of corporations in Ireland, and that they could confer no benefit upon the people. Where was the advantage resulting from corporations even in England? There were the two cities of London and Westminster; the first had a corporation, the second had none; yet who ever heard of any man's removing from Westminster to London in the expectation of deriving any greater benefit because the latter was governed by a municipal body? It was really preposterous to hear hon. Gentlemen, night after night, contending that the people of Ireland would be deprived of a benefit if the Corporations in that country were wholly abolished. It was equally absurd to say, that Ireland must have Corporations because England and Scotland had them. There was little identity of law between the two countries. The Irish Tithe Commutation Bill, the Irish Poor-law Bill, and the Irish system of taxation, all differed in many material respects from the measures passed upon the same subject as affected England. How, then, did it follow, that upon this subject of Municipal Reform a measure must be given to Ireland, exactly conforming with those which had been carried for England and Scotland, where the condition of the people was widely different? He was satisfied that the speech made that night by the hon. and learned Member for Dublin had, at least, been made ten or twelve times in his hearing in that House. It had been said, that Ireland was much more tranquil than it was a few years ago. He admitted it was so; but he denied most of the inferences which Gentlemen opposite wished to draw from the circumstance. He must, however, deny that there was that astonishing decrease of crime in that country that had been asserted; and, as corroboratory of this he would appeal to the charge of the learned judge at the last Kilkenny assizes. Now it was not denied, that if this Act passed it was intended to make use of these corporate bodies to increase agitation in Ireland, which, of course, must be attended with a great degree of anarchy, and also an increase of crime. To pass this Bill, therefore, would be nothing more nor less than plunging that country into the greatest possible state of discord, and place it more under the influence and control of the priests and agitators. This measure would also make the Church insecure; and he sincerely believed, that, that Establishment was the chief means of restraining the encroachments of the Church of Rome. After some time Ireland would become utterly ungovernable by a British Government, and all Protestant property would be rendered insecure. Under those circumstances was it possible for the House to sanction such a measure as the present? He was satisfied, that half the evils of Ireland had resulted from the shortsighted policy of the British Government towards the Irish priesthood. The recommendations of Drs. Troy and Mac Hale afforded a fair specimen of the advice given by that priesthood, and certainly nothing could be more pernicious. He was anxious to see an influx of British property into Ireland; but this never would take place so long as agitation prevailed, and the priesthood exercised to such an enormous extent their baneful influence. In conclusion he would only add, that he should give his most strenuous opposition to this Bill.

Colonel *Thompson* said, that, without making any promise not to be "somniferous"—and on looking round he saw sad symptoms of the progress the disease of somnolency had made in invading their proceedings—he must say one part of the question appeared to have been entirely overlooked, and that was in what light the "young blood" of England might happen to view the case, if Ireland was driven to the extremities which hon. Gentlemen opposite appeared to be bent on? That House ought not to make itself too sure of being a rigid criterion of all the feelings and sentiments existing in the country. There were large masses from which it was the boast and glory of that House to separate itself, as from a *profanum vulgus*, and to establish a test of wide distinction between the two. For his own part, it had often happened to him to be astonished at discovering the under current of opinion on Irish affairs which came to light when thoughts were declared without disguise. As it had been announced by a preceding speaker, that the House was in a leisure moment, that there was a sort of lull in its proceedings, he would make it an excuse for relating one instance of this nature. He knew a man, to whom he was under all the obligations of every kind which one individual could be to another; a man of great natural intelligence, and considerable acquired influence; for many years a Member of that House; not one imbued with wild political theories, but whose antecedents would be best described by saying he had been a Tory banker with strong religious opinions. To this individual he happened to return, after an absence of many years, being then himself of middle age; and in a confidential moment, when the conversation turned on Ireland, partly in consequence of his expecting to go there in a military capacity, he was surprised at hearing his senior and governor break out with something of oracular solemnity as follows: "I always thought there would have been only one cure for Ireland; general"—what? Not general fast, nor general humiliation; nor general representation, nor general suffrage; it was a much more substantial general than any of these—"general Hoche." Now if a man like this came to such conclusion, was it not still more probable that others who had less ballast on the other side might do the same? If the irritation to Ireland was persevered in, there were two threats that would be heard of from that country; first, repeal of the Union; and if that would not do, separation. He did not believe either of these events would be viewed with all the horror by every portion of the community, which hon. Gentlemen opposite might calculate on. It was no secret, that the inclinations of large, and what would be influential, classes in this country, were setting strongly towards republican institutions. For his own part, were he to attempt to define with exactness the political party to which he considered himself as belonging, he should say it was to that party, a very strong one at the period of the revolution, and than whom there had been no more faithful and unflinching supporters of that great alteration, which might be called the republicans under compact; by which he meant men, who having no more doubt of the inherent superiority of republican institutions, than they have of a straight line being the shortest distance between two points, are still willing to concede to the wish of the majority, and engage to discharge all the duties of citizens under a monarchical government; and he had yet to learn in what portion of those duties they had failed. With these sentiments he could not but be a keen observer on the subject, and therefore he could say from his own observation and knowledge, that a desire for republican institutions was progressing, more rapidly in fact he feared, than was accompanied by knowledge. But with this before them, would Gentlemen on the other side believe, that a large party in this country would not be rather gratified than otherwise by the apparition of an Irish republic, if the Irish were driven to it? Would there not be many who would infer, that they should thereby obtain all the benefits that could be derived from Irish connexion, without the evils? Why then run the chance of exasperating Ireland? Let the case be supposed inverted, and say whether, if English municipal privileges were intercepted on the ground that they would be unfavourable to the power of a small minority of that ancient Church which once was dominant in England, there was any length of violence to which Englishmen would not be disposed to go. He saw in all this strong reasons for the exercise of moderation towards Ireland; and if in any quarter there was a determination to the contrary, he must leave it to the correction of that experience, which would probably be anything but agreeable in its lessons.

Mr. *William Roche* said, that the gallant Colonel who just sat down alluded to the almost realised invasion of Ireland by General Hoche. He referred to the gallant Member's allusion because nothing could exceed the loyal spirit, the heroic enthusiasm, and cordial co-operation with the national troops, manifested on that occasion by the peasantry and people of the south of Ireland, in their readiness and vigour to oppose that hostile and powerful armament. Why did this pleasing state of things then exist, but because the people were not, at least in that quarter, then so goaded and exasperated by the harsh measures instituted in other parts of Ireland, as to supersede their inherent loyalty and love of country. Most necessary, he said, was this disposition of the people at that crisis (had there been occasion to call forth the practical exercise of it), for so ill-prepared were the constituted authorities to defeat or meet the danger, that in some instances it was notorious the cannon-balls were not suited to the calibre of the artillery. It was a proof, that when the people was treated kindly we might always anticipate the same gratifying results. Having in an earlier stage of the Bill expressed his sentiments on the common fairness, the obvious justice and sound policy of conferring upon Ireland (so peculiarly in need of it) those municipal improvements granted to the other portions of the empire and having then also stated his opinion on the danger of repudiating so fair a title and natural a claim, calculated as it was to rouse a sense of insult and indignation amongst a sensitive and enthusiastic people, he did not mean now to enter into the depths or details of the question, more especially as it had been explored, in its minutest views and involutions. As he was, however, on his legs, he felt himself called upon as one of the representatives of the city of Limerick to bear testimony to the statement made by the Chancellor of the Exchequer, in his able speech of last night in reference to the advantages accruing to the citizens of Limerick from the valuable though incomplete reforms which the right hon. Gentleman, when Member for that city, effected after much labour and perseverance in its then corporate system. When he used the word incomplete, he, however, did not mean to blame the right hon. Gentleman, quite the contrary, for he had to contend against not only the long existing power and preponderance of the corporate body and corporate party, but likewise against the Tory spirit and principles which then predominated, and the Tory government which at that time ruled the ascendant. Nevertheless, things were materially changed for the better. Some deference must now be paid to the wishes and interests of the people: their efforts in the choice of their Representatives in Parliament could not (as formerly they habitually were) be swamped by an inundation of non-residents, who felt little or no interest in the welfare of the city; and who having, generally speaking, received their right of voting, and the freedom of the city for the special support of the corporate interests, were of course to be found at each election principally on that side. At present, too, it would scarcely be proposed to grant any portion of the public money in support of the corporate candidate's seat in Parliament under the allegation of its being thus legitimately applied, because in sustentation of the corporate rights and privileges. He should be always happy to bear testimony to the high esteem he entertained for several of the members of the corporation of that city, but they themselves could scarcely deny that the citizens had reason to call for an improvement of the system. In fact, the more effective the responsibility of every class of society intrusted with power or expenditure was made, the better ultimately for both the governors and governed. In his opinion the spreading of civil rights over every religious class of the community would in point of reason and experience tend much more to remove than to widen the barrier of sectarian feelings, for when men were in the habit of associating together, and deliberating upon matters of general and equal interest, they rapidly discovered the folly and unfitness of mixing up religion with civil or political concerns; until at length religion and politics found their proper level and respective spheres of action. In fact he could, as he often had done before, adduce the instance of his own city in confirmation of this view. There existed in Limerick a new Municipal body, created for a particular parish in the year 1809; this body was elected by the rate-payers, who, though chiefly Roman Catholics, could not, he was persuaded, be charged in even a single instance, with being influenced by mere sectarian views or preferences, but solely by their estimate of the general character and fitness of the individual. He could similarly adduce the equal zeal manifested by the Catholic voters for the return of his Protestant colleague as for himself, though a Roman Catholic; and he could alike assert he was chosen not on account of his religion, but because of the kind estimate of his fellow citizens as regarded his general character, as well as from a recollection that for twenty-five years he had laboured for the furtherance of civil and religious liberty. The weighty calendar of crimes adduced by the hon. Gentleman who spoke last occurring in Kilkenny; it was surely not a fair criterion of the whole. It was not right to take an isolated case or two, and the hon. Member should look to the whole series during the late assizes, and the opinions of the judges throughout the entire south of Ireland, which would prove that a great abatement of crimes had taken place. But if even the people were as barbarous as represented, who were most to blame but those at the other side of the House who so long held the reins of Government, but never wisely and effectually applied themselves to the education, amelioration, and union of the people? He considered nothing more injudicious than the conduct of Gentlemen on the other side who rendered the Established Church the stalking horse on every occasion. Surely it had antipathies enough to contend with in Ireland (antipathies not of a spiritual but temporal nature), without burdening it with the odium of preventing the extension of Municipal protection to that country. He would most cordially support the Bill.

Mr. *Villiers* said, that as he observed a disinclination on the opposite side to take any part in the debate, and that as the "leisure moment" which his hon. Friend the Member for Hull had spoken of had not entirely ceased, he would take the liberty of making a few observations upon the question; and first he would say that he did not wonder at the course which the discussion had taken upon this question being the subject of general remark, and that astonishment was expressed that a measure which was thought of sufficient importance to justify resistance at the expense of offending the pride and feeling of numbers of our fellow-subjects should go forth from this House to be thrown out in the other House without an argument being offered in answer to those by which it had been supported, and that here, in this second stage of the debate, that we should hear only repeated those personalities, those fallacies, that bigot cry, which had done so little credit to the House on the former occasion, and which had then been the subject of such just reproof from this side of the House. He was not surprised at this, as he had observed from the first a deliberate purpose on the other side to remove the question from its natural province, and to argue and to use it for other purposes; and, whether wisely or not, he had seen that the other side, distinguished as it was from this upon principle, were determined to take their stand before the country on this question. It had been selected to make an experiment upon the present opinion of the country. The reform of the institutions of the country, and the resistance to that reform, had brought the struggle now to a question of principle, and the ground was now fairly chosen on which to decide the contest by which power the policy of this country was to be guided and governed in future. The question was whether the general policy of the Government of this country was to be dictated by the House of Lords or the House of Commons. That was fairly the conflict in which wewere engaged. The advocates of governing this country by the

House of Lords said, that we have gone too far in reform—that its progress should be arrested—and that an opposite policy should be adopted; and if, say they, the popular party have gained strength by introducing the representative principle into the Municipalities of England and Scotland, they will stand between them and any accession of their strength to be derived from a similar source in Ireland. The Lords had been cheered on to persist in the course they have pursued for three Sessions past, and were encouraged to believe that, if they would show courage and energy equal to the task, they might accomplish the object and obtain that dominion over this House which they formerly possessed for so long a period. Without their consent the Legislature of this country could not proceed: they were called upon by the enemies of reform to withhold their consent until the people, wearied out should elect a House, and that House support a Government more in unison with their wishes and their feelings. The country it was said would be satisfied then, for now all business was stopped; but once return a majority of the anti-popular party to that House, and then the different branches of the Legislature would agree and the business of the country would proceed. Now, this might be very good policy for the interests of party, and he might counsel it, were he on the opposite side; but it was more his duty at present to remind the country what that business was that would proceed so glibly if King, Lords, and Commons were so united; and if any man honestly wished to solve that question, he would just ask him candidly to reflect on all he saw and all he heard of the sayings and doings of the opposite party. It was known that three great triumphs in the cause of civil and religious liberty had been achieved of late years. One was the improvement in the representation, or the Reform Bill; the other was the Municipal Corporation Bill; the other was the removal of religious tests for Members to sit in Parliament, or the Catholic Bill. Now, he would ask any man to say if it was not the burthen of every Tory song—if it was not the topic in politics in every company of that party—that all the evils which had visited this country since that time were to be ascribed to the passing of one or all of those measures; and that the institutions of the country, nay, that the English Constitution, could not be preserved unless those measures were modified, as they called it, but repealed, as they did not scruple to say they intended to repeal them? But did it only depend upon what they said? Let any man look to what they did. Last year an attempt was made in the House of Lords to tamper with the Reform Bill. In every court now there was an attempt going on to undermine the Municipal Bill. There had not been a Session since the enactment of the Catholic Bill that Members had not come down to the House, and avowed their regret at passing that Bill, and who had declared that they never would be parties to it again if the choice were again offered to them. Now, we know that for men to seek power upon the avowed intention of repealing these measures of justice would defeat their object. Care must be taken, therefore, not to awaken alarm; much store was now set upon the apparent indifference of the people; it was well not to rouse them from their slumber. It became a question, then, how popular vigilance was diverted for so many years in this country before; and how was attention turned from the reform of real abuses to matters of trifling import. Why, it was, as was well known, by appealing to the religious fears of the people on the score of the Catholic faith, and by alarming an ancient prejudice once deeply rooted in the people against all persons of that persuasion. It was, therefore, reasoned now that what a Catholic question did before, a Catholic question would do now; and what was now raised but a Catholic question—the very question which occupied us for so many years? We have it in all its ferocity, in all its characteristics of intolerance. Not an argument was used against the admission of Catholics into that House that had not been advanced against the introduction of Catholics into corporations. The cry of "No Popery" was raised, and shouted forth in all the vigour of former times; and all hope, and all expectation of return to power, was now built on the success of this cry. If it succeeded, if the people would really believe the idle tale that the Church was in danger from the ministerial measures, then a cloak would be found for a power to deal and meddle with the three great measures to which he had alluded, and to which the friends of the Church were hostile; for could any man doubt who had read the ferocious attacks that were made every day against those who dissent from the Church, that if any pretext could be found in a church cry to remove the present Government, and substitute one from the opposite ranks, that little time would elapse before some new tests would be devised for those who did not agree with the Church—some disadvantage discovered under which it would be possible to place the Catholic dissenter, and which would be said to be for the protection of the property of the Church? And if the power existed for this purpose, how soon might the clauses of the Reform Bill also be dealt with in a similar manner? But the great question was, could the people again be deluded by a "Church in danger" cry? Did they now understand the true character of that cry? Did they trace it in all its bearings? If it were underrated, let men only tax their memory to learn the order in which civil liberty had been conquered in this country, and let them observe how invariably it had been in the train of religious liberty; and when religious persecution had been possible, how certain had been the oppression of the subject in civil matters. Would hon. Gentlemen only remember what was effected in this country by the old Catholic question? He would ask whether Protestants ever obtained any reform while Catholics were persecuted. For nearly twenty years, while the Catholics were demanding emancipation, was it not the boast of all the cunning, clever men of party that there was no real danger in removing the restrictions upon Catholics, but that the Catholic question was the outwork of the citadel of abuse; that so long as the Reformers were knocking at those outworks all was safe within; but, if they were once destroyed, that then all the mysteries of misrule would be examined, and nothing would be left in peace within? But were they right or were they wrong, who reasoned so? What was the case? From 1812 to 1829, this question was in constant agitation. Was any other reform obtained, or even ventured to be asked for, during that time? In 1829 the Bill was passed. Now mark the consequence. In 1831 the Reform Bill was carried; in 1832 the Scotch Municipalities were reformed; and in 1833 the first step taken to reform the Irish Church, and the bishops were reduced in number. In 1834 the slaves were set free in the West Indies, and trade set free in the East Indies. In 1835 the English Municipal Bill was carried. In 1836 the newspaper press was released from part of its trammels. In 1837 the hopes of the opposite party revived, and why? Because an opportunity was thought to be observed for raising a religious cry, and stopping the progress of reform in future. A measure of wisdom and justice was proposed for the Irish people, the majority of whom were still Catholic. A ray of the old prejudice was immediately seen flickering about the country against that persuasion. It was immediately hoped that it would be possible to patch those wretched shreds together, and devise a means of again obscuring the popular vision in all that concerned its interest; and, if once accomplished, the unreforming process might begin its work. What was there that stood between the reforms that have been carried and the designs of the opposite party? A majority of about sixty Members of that House. But what were the calculations that one heard whispered about? Why, that if by any device the present Government should be removed, these sixty men might be reduced; and again, if an appeal was made to the country, there was much for the opposite party to hope in the sections of the counties having become nomination boroughs of the landed proprietors, who were identified with the House of Lords, and that a majority might be thus secured. Could any man, then, who cared for reform, help to see that if we quietly allow this flagrant act of insult and injury to be inflicted upon the Irish people, in withholding from them this Bill, there would be the greatest danger for ourselves? And was it possible to doubt, when he heard the able speeches which had been delivered in favour of this Bill, met only by personal allusions to the Member for Kilkenny, and by the atrocious doctrine that Catholics were unfit for power by reason of their faith, that ulterior views were not contemplated by the other side? He hoped the people of England would stand nobly forward by the Irish on this occasion, as the Irish always had by the English when they were seeking reform, and show that they had intelligence and public spirit enough not to become the dupes of the hateful cry which was to become the ground of another religious crusade against persons professing the Catholic faith. For his part, he thought that the attack that had been made upon Catholics during this discussion, was one of the most wanton and unwarrantable pieces of intolerance that the history of religious persecution afforded any instance of, for occasion had been now afforded for the experiment of Catholics enjoying equal political power with ourselves, and he dared any man to state with truth that they had not shown themselves as good subjects and citizens as any other portion of the community, or that they had acted with any sectarian spirit. The Catholics in this country engaged in the business of life with all the integrity and steadiness of Protestants, and he happened to know that, in many instances, the Catholic clergy in this country inspired the love and esteem of the neighbourhoods in which they were known. To the religion of the Irish he saw no reason to trace the disorders of that country: but to centuries of misrule by Protestants, he saw abundant cause for their misfortune. To change the condition of that country he was willing to make any experiment, and none that he had ever heard of led him to expect such advantage as that which was calculated to inspire in the people a confidence in their local authorities.

Lord *Francis Egerton* said, that the hon. Gentleman who had just sat down had mentioned a fact, of which he was before entirely ignorant; namely, that scarcely a night passed in which some hon. Member in that (the Opposition) side of the House, who was formerly distinguished for his advocacy of the Catholic claims, did not come down and express a wish to see the Catholic Relief Bill repealed. He certainly was not aware of this circumstance, and with respect to himself, it was perhaps unnecessary for him to say that he entertained no such desire. It was unfair to charge those who objected to the present Bill with being opposed to the Roman Catholics as a body; but they could not avoid seeing that in the present state of Ireland every question relative to that country assumed a religious tinge; for such was the division of society in that country, that the great mass of Catholics belonged to the lower orders, while the higher and wealthy class was composed of Protestants. This division of society produced a state of circumstances which induced him to think that it would not be conducive to good government to extend municipal institutions to Ireland. Some hon. Gentlemen on the Opposition side of the House, were often taunted with their prophecies of danger to the state from the passing of the Catholic Relief Bill. He was not one of those who had ever uttered such prophecies; and, in making this statement, he thought it, in some degree, tended to his own discredit as a political prophet, for, in his opinion, the whole course of events on the other side of the channel had been of a nature to justify the foresight of those who apprehended danger from the passing of the Catholic Relief Bill. [*Cheer.*] He confessed that he did not understand the reason of that cheer. If hon. Gentlemen imagined that he was prepared to repeal the Catholic Emancipation Bill, or that he would not now pass it, if it remained to be passed, he could assure them that they were mistaken. In agreeing to that measure, he believed that it would confer a great benefit on Ireland; and he heard many a prediction that it would tend to make the Protestant church secure. But he asked hon. Gentlemen what they now thought of the state of the Protestant establishment in Ireland? He and his friends on the Opposition side of the House thought, that the Church was in great jeopardy from the course of policy pursued by his Majesty's Government. There had been quoted an expression of his to the effect, that "the grant of new Corporations, under the present circumstances, would amount to the erection of a platform from which a fire would be kept up on the Church." Now, the number of petitions presented to that House in favour of the Bill then before it was 283. He was always disposed to treat, with respect petitions to that House, bearing on the subject to which they referred; but when he discovered in them a palpable connexion between the wish for corporate reform and the wish for the destruction of the Irish Church, and for other measures which he could not but deprecate, then he thought that he had a right to mix up together—nay, though wrong, he could not disconnect—the two questions of corporate reform and the Irish Church. Out of the whole number of petitions presented in favour of corporate reform, 226 included prayers against tithes and for the ballot; and the prayer against tithes did not imply commutation—did not mean substitution; but did mean total abolition. In the very towns on which the corporate privileges were to be conferred, there did not appear any warm desire for the adaptation of municipal privileges—only twenty-three out of the scheduled towns had pronounced in favour of them; so that, to use the language he had heard when the result of the ballot for the Longford Election Committee had been ascertained, from which he did not augur much for the fairness of its proceedings, those against the scheme of Government were in the majority of one.

Viscount *Morpeth* rose to trouble the House with a few observations, although he must admit the subject matter of the debate had been worn almost threadbare. The noble Lord opposite had assured the House that it was most unjust towards him, and those with whom he generally acted, to infer that he or they came down to that House with a feeling of opposition to the Roman Catholics as such, or with any desire to repeal the Act of Emancipation. He was sure that the straightforward mind of the noble Lord would indispose him to any such course; but he must say, that the tenor and force of all the arguments and statements of the speakers at all the different meetings and dinings together of noblemen and gentlemen of similar political opinions with the noble Lord, went to create and foster such an impression as this in the minds of the public. The noble Lord and his friends were quite wrong in supposing that it was the wish of Members to invest the Roman Catholics of Ireland, as such, with any exclusive privileges; it was not their wish to do this any more than it was their wish to give these exclusive privileges to the Protestants of Ireland. What they aimed at was, to do away with exclusive privileges altogether, and to give to all classes alike equal privileges. What was the only real argument which had been brought forward in this discussion, more particularly by the noble Member for North Lancashire last night? The noble Lord stated that this was not the time for the measure; that the hour was not auspicious, or he might be inclined not to oppose it. The planetary conjunctions were not favourable. The noble Lord, it seemed, could not consider this Bill, because the Irish Poor-law Bill had not been read a second time, and because the Irish Tithe Bill had not been introduced at all. He certainly wished that they could make a more rapid progress with measures. But he was by no means sure, that by attempting to proceed with several at the same time, they might not entangle them with one another, so as to occasion considerable confusion. The interests of the Established Church, it was said, would be endangered by the operation of this measure. How, he was quite at a loss to conceive. It would affect none of the revenues; it would interfere with none of the Ministers; it would touch none of the doctrines of the Church. As his right hon. and learned Friend, the Attorney-General of Ireland had said in his able speech last night, if the Municipal Corporation Bill were rejected, they might swell the torrent of public opinion in Ireland, and in that way might injure the Church Establishment. They might embitter that torrent, but they could not stem or impede its progress. His noble Friend the Member for South Lancashire, had alluded to the character of the petitions which had been presented on the subject. If his noble Friend wanted any confirmation of the state of public feeling on the subject in Ireland, let him look at the address presented to his Majesty about three weeks ago, bearing 250,000 signatures, of which address the single and exclusive object was, the acquisition of corporate reform. It was not strange, that in many of the petitions to that House, the petitioners should unite the various objects which they were desirous of attaining. But his noble Friend said, that in some of the petitions the ballot was mixed up with corporate reform. Must that House, therefore, not grant corporate reform until they were prepared to dispose of the question of the ballot? Was it not a most desirable thing to endeavour to occupy men's minds with their own local concerns? Would not that object be promoted by the Bill? A complaint was made of the difference of the qualifications in the English and Scotch, and in the Irish Municipal Corporation Bills? They did differ. The Irish Bill could not comprehend a qualification similar to that of the English Bill, for there was no corresponding rate. The Scotch Municipal Corporation Bill of 1833, was a temporary measure; and there was a Bill in progress by which the qualification was to be diminished. But a low franchise was no novelty in Scotland. He would read to the House a table, showing the nature of the constitutions granted both by charter from the Crown, and by Act of Parliament, to a class of burghs much more important, as regarded wealth and population, than many of the legal burghs.

Burgh or Town.	Population.	Date of Charter or Act.	Nature of Franchise, &c.
Airdrie (now a Parliamentary Burgh).	6,000	Act 1 and 2 Geo. IV. c. 60, 1821.	In succeeding years resident burgesses (paying 3*l.* 3*s.* for the privilege) to be electors and councillors.
Bathgate	2,600	Act, June 17, 1824.	Electors consist of resident burgesses (paying 2*l.* 2*s.* for the privilege), and having in property or tenancy a house of the rent of 3*l.* or upwards.
Kilsyth	2,500	Crown Charter, August 7, 1826.	Electors consist of resident burgesses (paying 5*s.* for the privilege) who are proprietors or leaseholders for nineteen years, of a house of the annual value of 5*l.*
Pollockshaws	3,850	Crown Charter, January 5, 1813.	Electors consist of resident burgesses (a stranger paying 1*l.* 1*s.*, and the son of a burgess 10*s.* 6*d.* for the privilege) possessing property within the burgh of the yearly value of 4*l.*

Now, in order to show the House how small a number of 10*l.* householders was to be found in many of the Irish towns, he would read a list of some of them.

	Population.	Registered 10*l.* Householders in 1833.
Athlone . .	11,406	. . 157
Carlow . .	9,114	. . 380
Cashell . .	12,000	less than 200
Dungannon .	3,515	. . 185
Drogheda . .	17,363	. . 261
Tralee . .	9,568	. . 200
Waterford .	28,821	. . 614
Youghal . .	11,327	. . 232

From these Returns it was evident, that in applying to the towns in question a qualification exceeding 5*l.*, the constituency would be rendered much too scanty. And what, after all, was the qualification fixed by the Bill? The very qualification of the Act of the 9th of Geo. 4th, which was such an excessive favourite with the Gentlemen opposite. A great objection which had been made to the Bill was, that the present Corporations had many functions which the new ones were not to have. The argument was, that the new corporators being left comparatively idle, would necessarily be mischievous. And the very ingenious and logical conclusion was, that they ought to have nothing whatever to do. But it seemed the Irish were not so civilised as the English, and therefore were not fit to have any Municipal Corporations. But surely they were as civilised as our ancestors were when the Saxons and Normans established Corporations; or as the people of Italy were when they established those free Corporations which preceded their wonderful burst of science, and learning, and art. He would here allude to a very eloquent article which appeared in the last number of *The Quarterly Review*, an article which was written with great ability and spirit. In the first place, howhowever, to show that the writer of that article did not concur in the view which his Majesty's present Government took of ecclesiastical matters, he would read a paragraph from the article on that point:—"Instead of reducing the number of churches, it should multiply; instead of uniting parishes, divide and sub-divide; instead of merely repairing churches, build them where there is little demand for them, and therefore the more need. We should not wait for a church till a congregation is formed, but form a congregation by building a church." This paragraph showed that the writer's views of ecclesiastical matters were very different from those of his Majesty's present Government. But what did he say of Corporations?—"Let us remember that Europe owes all its liberty, its knowledge, its wealth, its power, to incorporations, and we shall then understand why, in the eyes of our law, they have as true an existence, as much reality, as distinct rights, as much claim to respect and delicacy of treatment, as any individual." And a little further, "Opinion has little weight, and very little logical strength, unless it comes from a community. The different tempers, and acquirements of individuals, acting and counteracting on each other, form the best check upon error. They give validity to testimony, expansion to views, modification to hasty generalities, authority to individual character, and caution and steadiness to impetuosity. And thus the State, as well as the Church, has always placed her councils and laws in the hands of corporate bodies." Without trespassing further upon the patience of the House with this worn-out subject, he would conclude by expressing his confidence that the House would not refuse to Ireland the benefit of such valuable institutions; and that they would not allow a difference of creeds, or of worldly interests, to generate such a malicious animosity as to produce harsh and arbitrary proscription. His Majesty's Government never pretended that this was the sole, or even that it was the most vital of the remedies which they were desirous of applying to the evils of Ireland. Most anxious was he that the discord which was produced by the present system of tithes in Ireland should be harmonised. Most anxious was he that the poor-laws of Ireland should be placed on such a basis as to afford the relief so necessary to the most afflicted peasantry on the face of the earth. But the Bill under consideration involved a principle, the establishment of which would make the prosecution of the other measures a task of easier accomplishment; a principle which was at the root of all the questions bearing on the connexion between the two countries, and the establishment of which was inseparable from their joint tranquillity and happiness.

Sir *James Graham* said, that nothing would have induced him to rise, had it not been that he was one of those who had voted last night against the further continuance of the debate; for no man could feel more strongly than he did that the subject was wholly exhausted. But there were some of the observations of the noble Lord on which he wished to make a few remarks. The noble Lord had adverted to the qualification in the Scotch Municipal Corporations Bill. Now he, (Sir James Graham), appealed to those who remembered the debates on that Bill whether a proposition for making a qualification *5l.* was not proposed, and whether it was not resisted by Lord Grey's Government, on the ground that if the qualification for the elective franchise for Members of Parliament were departed from in the Municipal Corporations Bill, it would become difficult afterwards to maintain the qualification for the elective franchise at 10*l.* But the noble Lord said, there was a Bill in progress to reduce the qualification in Scotland to *5l.* The fact was, that everything that had been done by Lord Grey's Government with reference to the elective franchise was now made the object of attack. It appeared to be the anxious desire of the present Government upon that subject to loosen and untie what it had been the policy of Lord Grey's Government to bind up and render permanent. The noble Lord had read a statement of the small number of 10*l.* householders in proportion to the population in several of the Scotish towns. The interference which he (Sir James Graham) was disposed to draw from that statement was, that those towns ought not to have been inserted in the schedules. The noble Lord had expressed his hope that no person on his (Sir James Graham's) side of the House would be influenced on this subject by interested or malicious motives. He should be ashamed of himself if he were to be so influenced. But he could not avoid feeling regret when he saw the recurrence of the greatest misfortune that could befal any country—the mingling of religious and political matters. So strongly was he sensible of the evils which resulted from permitting political to be influenced by religious considerations, that he could scarcely avoid exclaiming, in the words of the Latin poet.

"Tantum religio potuit suadere malorum."

In the present unhappy case, the connextion between politics and religion was clear and not denied. The opponents of the measure were asked in what consisted the danger apprehended from it to the Church of Ireland? That was the most important question to be considered. He was unwilling to trouble the House at any great length, but, as related to his own opposition to the measure, this was the cardinal point by which he was guided. The noble Lord allowed that the present was not the vital question, and that the vital question was the Irish Church. Now, what was the connexion between the two questions? As far as it was practicable to collect the public sentiment in Ireland with respect to the Church, the sentiment of the great majority, it might be gained from that unhappily constituted body called the National Association. He would read the resolutions on that subject of the National Association, passed unanimously, and by acclamation within the last three months. The first resolution was as follows:—"That it is incompatible with the principles of religious liberty that any man should be compelled to pay for the ordinances of a Church with which he is not joined in communion." [*Cheers.*] Did the hon. Gentlemen on the other side mean by their cheers to indicate their approbation of this resolution? The second resolution was, "That as under the present appropriation of the tithe composition, a tribute is levied from the whole nation for the uses of the Church, of only the one-tenth portion of the community, the people of Ireland are therefore justified in demanding the total extinction of an assessment so applied." There were no cheers on the other side now. He should like to know whether these were the principles on which the new Tithe Bill was to be founded. The third resolution was—"That in our opinion no settlement of the tithe question can give satisfaction to the people of Ireland which is not founded on the foregoing principles." That was carrying the matter much farther than the appropriation clause. He should not be surprised to see the appropriation clause thrown out, and the voluntary principle substituted for it. The fourth resolution was as follows:—"That we call upon the people of Ireland not to desist from all legal and constitutional means of redress till they have obtained full and complete relief from an impost equally oppressive and degrading." It thus appeared that in the opinion of the Association any support of the Irish Church was oppressive and degrading. The right hon. the Chancellor of the Exchequer had stated, that all that was said on that (Sir J. Graham's) side of the house respecting the hon. and learned Member for Kilkenny only magnified and increased that hon. and learned Gentleman's power. That from the benches opposite! Had they forgotten the appointment of Mr. Pigott? Had they forgotten the appointment of Mr. O'Dwyer? Had they forgotten the appointment of the last two assistant-barristers, both of whom were members of the National Association? He was the last man to deny the talents, the power, the influence of the hon. and learned Member for Kilkenny. But was not the weight of those talents, of that power, of that influence felt by his Majesty's Government? Did they not retain office during the last Session mainly by the assistance of that hon. and learned Gentleman. And if those numerous Irish Members who confided implicitly in the hon. and learned Gentleman were all ready to co-operate with his Majesty's Government, surely this showed the power and influence of the hon. and learned Member for Kilkenny. Now, let the House have that hon. Gentleman's opinion with respect to the Irish Church; and he (Sir J. Graham) was not about to quote any hasty expression. He was unwilling to trespass on the attention of the House, for it had been his wish that this debate should have closed last night, but as he believed the debate was to be continued to a second night, he hoped he should not be unfairly treated; because he did not wish to put anything offensively to any hon. Gentleman. He would not quote a hasty or a casual expression [*casual* was the term used by the right hon. Gentleman the Chancellor of the Exchequer]; but he would quote from a letter of the hon. and learned Member for Kilkenny, written in a calm moment, in answer to a question which had been put to him by the hon. Member for Northumberland (Mr. W. Beaumont). The letter from which he quoted was dated Derrynane Abbey, December 30, 1836. "You ask, first—'If I believe that Ireland ever will be,' or 'ought to be tranquil, until the religion of the majority is placed on an equal footing, in every respect, with that of the minority?'" The answer was as explicit and clear as ever was given to a plain straightforward question.—"My answer is ready:—Ireland cannot possibly be—she, in my opinion, ought not to be tranquil—until the religion of the majority is placed on an equal footing, in every respect, with that of the minority;" so that now it was a question of equality as between the two establishments. But the hon. and learned Gentleman said something further; and he should be curious to hear whether this would be greeted by a cheer also—"I add, that untill then she will not be; and, while I live, she certainly shall not be free from salutary, but peaceful and energetic agitation; that is, until perfect religious equality—without one particle of political, civil, or temporal ascendancy at either or any side—is firmly established." Now, what was the interpretation of this equality? Why, the hon. Member went on to say—"I am convinced that the peace, tranquillity, and prosperity of Ireland require the establishment amongst us of the *voluntary principle* of maintaining religion; and that as long as any pecuniary ascendancy, as long as any power remains to a Protestant minister to put his hands into the pockets of the Catholics, so long dissension, dissatisfaction, and turmoil will reign paramount in Ireland. The people of Ireland join me in this contemptuous disclaimer of longer supporting, out of our means, that Church; we never will be parties to our own degradation, by acquiescing for one moment in the superiority of a church to which we do not belong." Until, then, this voluntary principle was established, the hon. and learned Gentleman declared, that energetic agitation should never cease. But, said his Majesty's Attorney-General for Ireland, "I do not quarrel with the present position of the Established Church in Ireland." Why, he (Sir J. Graham) was not astonished to find that that learned Gentleman, being a Roman Catholic, did not quarrel with the present position of the Established Church in Ireland; more especially when he heard the noble Lord the Secretary for Ireland, and his colleagues, as Ministers of the King, declare the Protestant Church to be a rotten Church. [Viscount *Morpeth*, "No, no!"]—If the noble Lord retracted his words he was happy to hear it; but he certainly understood him to say it was a rotten corporation. Then the noble Lord was pleased to comment on the observation of his noble Friend the Member for North Lancashire, and said that he appeared to regret the concession of the Roman Catholic claims. He did not understand the Attorney-General for Ireland when he declared that all the predictions which had been made with reference to this Bill were similar to those made by the right hon. Baronet the Member for Tamworth, in 1817, in regard to the subject of the Roman Catholic Relief Bill, and similar to the predictions of those who opposed the Bill of 1829. This was little consolation for those who were going the downward path of concession. He would not shrink from saying, that no man supported the concession of the claims of the Roman Catholics more warmly or more conscientiously than he did. But under what promises did he support concession. Why he had the solemn oaths and declarations of some of the most distinguished members of the Catholic body; he had the most solemn assurance of the most distinguished Roman Catholics, that all assaults on the Established Church should cease. And what consolation, then, he would ask, was it to him to go on making concession after concession, notwithstanding what had been already done? It was said formerly, if you grant freely, you may trust freely; but the result and the experience of past years had ended only in bitter disappointment to those who supported the Catholic claims. He would say more; if these concessions were made, he saw nothing in the arguments which had been urged by hon. Gentlemen opposite. They had been before promised that if certain concessions were made, all attacks upon the Church should cease. Now, with reference to the present demand for concession, they were told, "you may make it if you will; but agitation shall never cease in Ireland until we are placed on an equality." War was declared—war to the knife with the Church Establishment. There was no mistake on this occasion, for they were told that the Irish people looked to a greater and ulterior object. Now, there was a point made by the noble Lord, the Member for North Lancashire, with regard to the omission of the declaration that the corporate offices should not be used for any purposes trenching upon the interests of the establishment; and certainly a more whimsical answer than that which had been given by the Attorney-General for Ireland he had never heard—he should say, indeed, it was purely Irish, for he said, that supposing the Municipal Bill passed, that would be a reason why the oaths should be dispensed with. He would say that strong objection to this measure in its present shape, was, that it would be a most powerful lever whereby the destruction of the Established Church in Ireland might be effected. He had said he stood not there to frame a bill of indictment against the people of Ireland. The right of the people of Ireland, *primâ facie,* to their municipal rights was felt; and the onus to prove the exception rested with those who opposed the measure. It was the peculiar circumstances in which the Established Church was placed in Ireland which were to be considered. He thought it was a matter worthy of the attention of his Majesty's Government, and for one he would distinctly say, that if he could see the Church of Ireland placed in a position of greater security, he should be happy. In the hope of removing any angry feelings on the part of the people of Ireland, and in the hope of removing the impression that any national insult was intended towards them—he for one (though he would never consent to this Bill) would not be opposed to the erection of Municipal institutions in Ireland if they could satisfy him that they could be granted with safety to the Church. But he would say, if the Government introduced a Tithe Bill with the appropriation clause, it must contain a principle which was inadmissible as applicable to the English as well as the Irish Church; and he never could give his consent to the third reading of this Bill.

Lord *John Russell* could well conceive that it must have been the wish of the right hon. Gentleman opposite to have had the debate closed on the previous evening, for a position more difficult or more embarrassing than that in which the right hon. Gentleman was placed, he had never witnessed in that House. On former occasions, and upon the very last discussion of this question, the proposition raised by hon. Gentlemen on the other side of the House was, that Municipal Corporations ought not even to be reformed, but that they were to be entirely abolished in Ireland. This was an argument which he thought was quite untenable—it was one which he thought did not support the views of those who used it; but it was an argument which must be paralyzing to those who maintained it, when they now argued for the utility of Corporations, but refused to give them to the Irish at this time. They yielded with great propriety to the declared sense of the House, that Municipal Corporations in Ireland ought not to be abolished—that they might and must be reformed, and yet at the present time, and in the present state of society, and with the provisions of the Bill, its clauses with respect to tolls and other matters before them, there was one-half of the Gentlemen opposite who thought it improper to agree to the Bill because it would give Municipal Corporations in Ireland, and there was another half who objected to it as laying the groundwork of the downward path of concession. But they were already treading in that path, for the downward path of concession most truly it was when the just desire of a great portion of the people having been long refused, the matter was to be wrung from those who withheld it, by their fears. That was the downward path, and if in that spirit they were to concede a boon, they could not be beforehand with the people, and would claim no gratitude for conferring a favour. The right hon. Gentleman, in the greater part of his speech had dwelt but little upon the subject immediately in debate; but he had adverted to questions, relating to the general situation of Ireland. He would endeavour to touch on the points on which the right hon. Gentleman had dilated. The right hon. Gentleman, catching at the *5l.* franchise in Scotland, which had been mentioned, the noble Lord near him, had made that the occasion of a taunt against the present Government, and contrasted their mode of proceeding with that of Earl Grey's Government. The right hon. Gentleman had attached much importance to this point; this franchise in Scotland was spoken of as a vital question. Now, what was the fact with reference to this vital question respecting the *5l.* franchise proposed for Scotland, on which it was pretended so much interest was taken by Earl Grey's Government? Why, did the noble Lord and others forget that the subject came forward on a Wednesday. He remembered that the Ministers dined with him on that day, and he certainly did not remember that any one of the Members of Earl Grey's Government expressed a strong opinion on the question. He would not be quite sure, but he supposed that his right hon. Friend the Member for Cumberland must have been one of the dinner party. Undoubtedly there might be some small points upon which the line taken by the present Government might be different from that taken by Earl Grey's Government, but in general the same line of policy was followed. To proceed, however, to another point of the right hon. Gentleman's speech, the right hon. Gentleman said, that the people of Ireland did not ask for this Bill, but he thought that it was generally admitted that they did ask for it.

Sir *James Graham* here observed, that the corporate towns did not ask for it.

Lord *John Russell:* The right hon. Baronet said, the corporate towns did not ask for this measure; but the people of Ireland generally did, he supposed he would allow. But the people of Ireland were in this unfortunate condition, that if they did not speak out loudly, or if they expressed their anxiety without noise, then it was said that they were not eager for the measure; but if they urged their claim vigorously, then came the portentous declaration from Gentlemen opposite, that they would not yield to the clamour from without. And then the right hon. Gentleman touched upon a topic which he should have thought he ought to have omitted, after the previous speeches, namely, that of the misfortune of mixing up politics with religion. Now hardly any hon. Member had mingled religion with politics. If, indeed, any one had brought forward religious matter, it had been the right hon. Gentleman himself. He would ask what was the meaning of the passage which the right hon. Baronet read from a pamphlet, giving a description of a Spanish priest, on a former evening? Did he, or did he not, mean to apply that paragraph to the priests of Ireland? And, if the right hon. Baronet read the passage for this purpose, was it fair, he would ask, to make this sort of wholesale accusation against the priests of six millions of people, and then give them a solemn lecture on the impropriety of mixing up religion with politics? The right hon. Gentleman had said, that his noble Friend (Lord Morpeth) near him, had declared this not to be a vital question. Now what his noble Friend did state was this, that there were other vital questions to be considered, but that this was not, perhaps, the most vital. He had declared on former nights, and he had not departed from his opinion, that this was a vital question to the present Administration. He had before stated the same thing, and his opinion had undergone no change. Then, again, the right hon. Gentleman said, that he would not agree to this Bill, because certain resolutions had been passed by the General Association of Ireland. He would presently advert to those resolutions, but, in the mean time, he would beg to tell the right hon. Gentleman, that, threadbare as the debate was, one of his taunts was even still more so; namely, that his Majesty's present Government existed by the support of the hon. and learned Member for Kilkenny. Undoubtedly, when a Ministry was supported by no very considerable majority, and yet not in the position of hon. Gentlemen opposite, who were left every night in a minority when they were in office, if any portion of those who voted usually with them were to vote against them, the case must be altered, and then they must have lost the confidence of the House. It appeared that the hon. and learned Member for Kilkenny supported them, but it also appeared that a section of that side of the House consisted of the oldest Whigs, who, if they thought the Government were disposed to deal too violently in going the downward path, must become their opponents—a fact which would be equally fatal to the present Ministry. What was there, then, in this taunt of the right hon. Gentleman, as to the smallness of the majority in favour of the Ministry? What did it amount to but this—that the hon. and learned Member for Kilkenny, although he did not agree with the Government in many of their opinions, nevertheless thought it right to give them his independent support, because he saw in their measures a better prospect for the future fate of Ireland? When he said this, he (Lord John Russell) was not responsible for the opinions of the hon. and learned Member for Kilkenny, as that hon. and learned Member was not responsible for his opinions. He knew that hon. Gentlemen were in the custom of meeting and settling their differences; and, if rumours were to be credited, at some of those meetings the more violent individuals of the party carried their views against the opinions of the more distinguished leaders. He certainly did not know what might have happened lately, but he, perhaps, might be permitted to mention what might be considered to be matter historical, though he saw his noble Friend smiling at the remark. There was a common rumour in the world, that at the great crisis of the Reform Bill, when all the agents and organs of the Tory party were engaged in abusing the Earl of Harrowby and Lord Wharncliffe as waverers, they were told, when they wished to go on with the Reform

Bill, that if they would not consent to strike out Schedule A, or postpone it, the party would not go down to vote. This was one of the many instances in which rumour had declared that the more violent part of a body had defeated the more moderate. The course of his Majesty's Government exposed them to more argument which was not carried on in so agreeable a way. But when hon. Members who sat above them proposed measures, they were often opposed to the views of the Government. Suppose a motion to be made for household suffrage—suppose the hon. Member for Middlesex to come down to the House some day (as he was likely to do) to propose a motion for household suffrage—he (Lord John Russell) would immediately get up in his place and oppose it; and it was notorious they differed from the hon. Gentlemen whom he had named. Yet, of course, he did not yield his opinions to those of the Government, and they went together generally upon those questions which the Government thought proper to adopt. But while it might be the better course for the moderate men of the Tory party to agree with the more violent, in order to maintain the appearance of union, he thought the Ministers course was to the full as honourable; and, as he believed, would finally tend more to the advantage of the country. The General Association of Ireland had declared, as the hon. and learned Member for Kilkenny had also declared an opinion in favour of the voluntary principle. The hon. and learned Gentleman had a right, if he chose, to entertain that opinion and he had the support of those who elsewhere entertained the same opinion against the Established Church. But what the right hon. Baronet had no right to say was, that the Ministry entertained the same opinion. [Sir *James Graham* had made no such assertion.] He was glad to learn that the right hon. Baronet had not said so, because the whole tendency of his argument went to show how dangerous it was to make concessions to a Ministry so supported. If the right hon. Gentleman, however, did not maintain that opinion, then he (Lord John Russell) held the opinion that the maintenance of any such opinions on the part of others did not commit them. Then the right hon. Baronet desired to know whether those on his (the Ministerial) side of the House maintained the principle of the Resolution of the General Association of Ireland with respect to the extinction of tithes. Now, as to that subject, he remembered, when he was sitting by the side of his noble Friend opposite (Lord Stanley), his noble Friend got up from the Treasury Benches, and in answer to a question put by Mr. Croker, who was then a Member of the House, the noble Lord said, that the measure which he had in contemplation was one for the extinction of tithes. The noble Lord would excuse him for saying, that whether it bore a greater resemblance to the measure of his noble Friend, or to the Resolution of the General Association, because the extinction of tithes was common to both, he would not say. With reference to the question of the Catholic claims, and to the passing of the Catholic Emancipation Bill, he did not think that there was any ground to say that the result had been different from that which had been anticipated. They were told at the time by the Duke of Wellington, that it was a measure which would be likely to prevent civil war in Ireland. They knew it was a measure which had introduced Roman Catholics into Parliament, where they were enabled to urge their claims in a peaceable manner; and whatever disturbances there might have been, he was convinced that more peace had been secured by bringing in Roman Catholic Members than could have been secured now, in the year 1837, had that Act not been passed, and the restrictions on Roman Catholics continued. But after having addressed himself to the speech of the right hon. Gentleman, he would proceed to state some few observations with regard to this measure, and the objections which had been made to it. He must state first, that he considered the measure was in strict conformity with the Act of Roman Catholic Emancipation; he did not consider it to be a measure calling for further concession, or as implying something which was not to be intended to be given at the time of the Roman Catholic Bill being carried into a law. What was the enactment of that Bill? It was this:—"Be it enacted, that it shall and may be lawful for any of his Majesty's subjects professing the Roman Catholic religion to be a Member of any lay body corporate, and to hold any civil office or place of trust or profit therein; and to do any corporate act, or vote in any corporate election or other proceeding, upon taking and subscribing the oath hereby appointed and set forth, instead of the oaths of allegiance, abjuration, and supremacy, and instead of the declaration against transubstantiation; and upon taking also such other oath or oaths as may now by law be required to be taken by any person or persons becoming a Member or Members of such lay body corporate, or being admitted to hold any office or place of trust or profit within the same." What was the plain meaning of that clause but that the Roman Catholics were to be admitted to corporate offices? To refuse Roman Catholics offices in Municipal Corporations in Ireland, under the apprehension and plea that they would exercise a dangerous supremacy, was to contract the letter and spirit of the Act. Talk of Roman Catholics not keeping faith? What faith were the opponents of this Bill keeping in excluding Roman Catholics from Corporations and municipal power? In 1829 they said they were admitted to corporate offices, and yet, when it was proposed to carry that principle into practice, it was urged that they could not be admitted? His noble Friend, and his right hon. Friend, said, why not impose the declaration which was imposed by the Act for repealing the Corporation and Test Acts? He thought he had read a sufficient answer to this question in the words of the clause to which he had referred, because in that clause it was provided that every person who should hold a corporate office should take an oath which was prescribed by the Act. The words contained in the declaration could only be regarded as intended to apply to the Protestant Dissenters of Ireland, because the Roman Catholics were bound to take the oath prescribed in the 9th George 4th.

Lord *Stanley* had said, that the Protestant Dissenters, by the 9th George 4th., were placed in the same situation as the Catholics have since been by the 10th of George 4th; for, in the latter Act, it was found necessary to provide that the 9th of George IV. should not be dispensed with.

Lord *John Russell* thought it would have been much better, as well as much more convenient, that his noble Friend (Lord Stanley) should have stated his opinion upon points of detail when the Bill was in Committee. For his own part, he could only repeat at that moment the opinion he had expressed ten years ago, when the right hon. Gentleman proposed the declaration to the Bill for the repeal of the Test and Corporation Act, namely, that as a qualification to any municipal office, or to a seat in Paliament, he should wish only to have the simple oath subscribed to—"I will bear faithful and true allegiance to the King." That being his opinion, he did not attach the same importance to the security of oaths as his noble Friend. Without going into the various arguments that had been advanced, in the present as well as in former debates, upon the subject of municipal reform in Ireland, he would shortly endeavour to show the position in which they then stood. They maintained, in the first place, that Corporations were good in themselves; that they were useful in exciting the spirit of the people, and in producing good local government; and that they were likewise useful in promoting order, and awakening a general spirit of freedom in the community. That position, after some very ineffectual attempts to defeat it on the part of the opponents to the measure, he apprehended was now fully established. the position with regard to the cities of He thought they had also established Ireland, that there was no reason why Cork and Waterford should not have Municipal Corporations as well as Bath and Bristol. Further than that, he thought that they had also established the position that while England and Scotland were allowed to have reformed Municipal Corporations, it would be unjust as well as insulting to deny them to Ireland. He came then to the last point endeavoured to be maintained by the hon. Gentlemen opposite, although it was true they had not supported it by much argument. They stated generally, in the first place, that there was something peculiar in the position of Ireland which forbade them to yield this measure; and, next, that they were bound to oppose the measure because it threatened some specific danger to the Established church. With respect to the something peculiar in the condition of Ireland, it had been so little defined what that something was as to leave him entirely without the means of answering the argument. With respect to the threatened danger to the Church, he thought that those who put the Church forward in the argument were, in fact, the parties who created the very danger they apprehended. It appeared to him that while the Church in Ireland was undoubtedly in a state of danger, that danger arose more from its being the Church of a small minority, and from the circumstance of its being dissented from by a majority daily increasing in wealth, intelligence, and power, than from any other circumstance whatever. Undoubtedly, it might be said with some appearance of truth, that by denying the power proposed to be conferred by this Bill, we should be keeping away one weapon by which the Church might be attacked. But if that argument were pushed to its true extent, it would not be confined to the rejection of this Bill of municipal Reform, but would go to the full length of reducing the Catholic people of Ireland again into that depressed condition from which, for the last half century we have been gradually emancipating them. If that could be done—if the whole Irish people, under the operation of unequal laws, could be kept in a state of complete subjection — the privileged minority might perhaps be regarded as safe; but when the fetter was removed from the Roman Catholics—when they were allowed to acquire land, to hold office, to sit in Parliament, there could not be more danger in the feeling of their strength and numbers as compared with that of the Members of the Established Church in Ireland. Such being the danger to be apprehended, and impossible perhaps to prevent, it was still said by some of the hon. Gentlemen opposite, that if certain things could be done, they would not altogether hesitate about the concession of a Reform in the Municipal Corporations. He must beg the attention of the House for a moment to one or two of the arguments advanced upon this subject, as he himself had heard them, or rather as he found them recorded, in order that the House might judge what the terms were upon which they might expect to have a municipal reformation for Ireland according to the views of the hon. Gentlemen opposite. The right hon. Gentleman the Member for the University of Cambridge, in the course of his speech of the last evening, stated that "he could conceive it possible to place the established church in a position in which its revenues should be secured against the attacks made upon it by opposing sects — he could conceive a measure which would place it in such a position of security and strength as to render its stability compatible with the existence of municipal corporations, vested with all the forms of self-government that could be desired in bodies of that description." That, undoubtedly, was sufficiently vague and indefinite; but what said the noble Lord, the Member for North Lancashire (Lord Stanley), who, if sometimes peremptory with the House and harsh to his own friends, had usually the merit of being exceedingly clear and precise in his language—what was the prospect that the noble Lord held out in his speech of last evening? The noble Lord said, that if he saw the Church placed in a situation of security as to its revenues—if he had not heard the dangerous doctrines of the Gentlemen who composed his Majesty's Government, and of the supporters of that Government—his objections, which were now insuperable, might in a great measure be modified. But even then he could not pledge himself to the present Bill, as it would still be open to objections. But he did say that the question would be placed on an entirely new footing if they were able to deal with it in such a manner that his objections to it, as a Protestant, might be removed. With these views, and these views only, he would willingly yield to the introduction into Ireland of institutions which were not necessarily nor precisely similar, but which should be analogous to those of England, and which, in his deliberate judgment, should be for the advantage of the people of Ireland." This, too, he thought was sufficiently vague and indefinite. Such was the language held by his noble Friend and by the right hon. Gentleman, the Member for the University of Cambridge; and it was, in fact, a very good sample of the inconclusive nature of the arguments and statements advanced by the great mass of those who opposed the measure. The meaning of this language, as far as he could collect any meaning from it at all, was this:—"If he saw the Church in Ireland perfectly secure he would then agree to a Bill upon the subject of Municipal Reform, but not to this Bill." Could anything be more vague or unsatisfactory? What was meant in the first sentence by making the Church in Ireland perfectly secure? What was the danger to the Established Church that the right hon. Gentleman had that night pointed out to them? It was this: that the General Association in Ireland had three months ago entered into certain resolutions of a hostile character towards the Established Church. Why, whatever Bill were introduced upon the subject, what power had the Government of the day to prevent meetings at Dublin at which similar resolutions might not be agreed to, and upon which Gentlemen so timid as those opposite might not found an argument that the Church was not perfectly secure? Yet, according to the statement of his noble Friend, until the Church in Ireland was perfectly secure, until there were no resolutions, no opinions expressed against it, it would be totally impossible for him to agree to a measure of Municipal Reform. One word upon the other part of the question. The hon. Gentlemen opposite said, it was quite impossible for them to consent either to the present Bill or to any other that should proceed upon the same principle. Now what did they mean by that? His conception of a Municipal Corporation was this; that the people elected their own government for their own local purposes. If it were said that the majority of that place should elect the local government, then there would be what he considered to be Municipal Reform; then there would be vested in the inhabitants of the town that power of self-government which was deemed desirable; but if, on the other hand, it was said, that the majority should not have the power of electing the local government, if it were said that the power of electing that government should be vested in the hands of a small minority, then he maintained that the measure, though possibly it might be called a reform, would not be a real reform, but a false and ineffectual reform. In the absence of any definite explanation, and judging from the general tenor of their argument, he could only suppose that any measure of Municipal Reform likely to receive the approbation and support of the hon. Gentlemen opposite would be of the latter description. He had stated upon a former occasion, that if he could see any way of settling the Tithe and Church questions in Ireland in such a manner as should be likely to pass both Houses of Parliament, and at the same time to give satisfaction to the people of Ireland, no false pride on his part should induce him to refuse his assent and support to such a plan. To that declaration he still adhered; but he must at the same time say, that the difficulties in the way of any measure, that should be agreeable to both Houses of Parliament, and also satisfactory to the people of Ireland, were immense. He must now express an opinion upon this subject to which he could not refer without sorrow, because it was an opinion that the difficulties they had then to encounter were still greater than those with which they had had to contend in former days. His opinion was, that if a Bill similar to that of last year were now to be sent up to the House of Lords, and to be passed by their Lordships in exactly the same shape as presented to them, it would not have the effect of producing complete and final satisfaction in Ireland. And his opinion also was, that if they (the House of Commons) were to accept, clause for clause and word for word, the Bill sent down to them from the House of Lords, that Bill would not produce final and complete security to the Church in Ireland. Such were the difficulties attendant upon a settlement of the question. He quite agreed with the right hon. Gentleman opposite that the placing the charge for the Established Church more upon the Protestant landowners and less upon the Roman Catholic tenants, would operate materially to make the security of the Church in Ireland much greater than it then was. He was also of opinion with the right hon. Gentleman opposite that the giving the people of Ireland a feeling that some part at least of these vast revenues were employed for the benefit of the great mass of the population was another means by which the general feeling of the country might in some degree be conciliated. There are many opinions, continued the noble Lord, upon the subject. I do not pretend to say, that I see any way by which a final and complete settlement of the question can be made. Yet I do hope —I do sincerely wish—that Parliament may devise some means by which the pressure of the question may be lessened. The Bill of the noble Lord (Stanley) opposite tends, as time advances, to place the charge more upon the landowners, and thereby to diminish, in a material degree, the pressure upon the Catholic tenant. Thus, after the lapse of years, it is to be hoped that much of the evil and much of the danger resulting from the old system will have wholly passed away. If we could hasten the operation of that

Bill we should undoubtedly be doing something to promote the security of the Church; but after what has happened I will not pretend to say that a church which stands in so unfavourable a position in the estimation of the great body of the people can ever be in a situation of complete security. The right hon. Gentleman (Mr. Goulburn) and the noble Lord (Lord Stanley) have contended that we ought to place the Church in a state of complete security. I think we should be holding out false expectations if we said that that would be the result of the measure we shall hereafter have to propose upon the subject. But whatever may be the result with regard to that measure, I do not consider that either it or the measure with regard to the Poor-laws is at all mixed up or involved with this question of the reform of Municipal Corporations. I tell you that I consider this question of the establishment of reformed Municipal Corporations in Ireland to be a just and wise measure—a measure likely to conciliate the affections of the people of Ireland towards the general government of this country, and by so much diminishing the danger to any of the institutions of the land. I say further, that it is a measure which is good in itself. I say it is a measure which the present Ministry have brought forward from a strong conviction of its justice. That conviction is increased from the manner in which it has been received in this House. The proposition for the abolition of Corporations in Ireland has been negatived by so large a majority of the House of Commons that I hardly expect it to be brought forward again. On the other hand, I look forward with confidence to the triumphant issue of the question, sure that if you grant it now, fully and generously, you will meet with that support and gratitude which a measure so given, and in such a spirit, has a right to command. But if you delay to give it now, upon the pretence that the people of Ireland are not fit to be trusted, because they have a Church which is not agreeable to them, I feel the same confidence that the measure will still be carried —I feel the same confidence that the right hon. Gentleman opposite will vote for it; but I do not feel the same confidence that it will then produce the same good feelings and the same good effects in Ireland.

Sir *Robert Peel* said, that the surprise which he last night felt that the House was not permitted, considering the exhausted state of the debate, to go to a division had not been in the least degree removed by the tenour of the discussion of that night; and he sincerely hoped that those two or three Gentlemen whose absence the House last night deplored, and in compliment to whom (the debate being entirely finished) the division was postponed, were now present in the House, and would enable them finally to dispose of the question. He felt, however, that it was not entirely owing to the absence of two or three Gentlemen that the reluctance to divide was last night manifested. He had entertained his suspicions upon the subject before he heard the speech of the noble Lord who had just sat down; and these suspicions were fully confirmed when in the course of his observations he found the noble Lord so pointedly referring to the approaching disunion between himself and the hon. Member for Middlesex upon the subject of household suffrage. When he found on referring to the votes that the first notice of motion for the 11th of April was given by the hon. Member for Middlesex, for leave to bring in a Bill to extend the present suffrage to household suffrage, he knew perfectly well that one of the motives for adjourning the debate was to prevent that motion from being brought forward. The only novelty he had heard in the course of the debate of that evening was from the hon. Member for Wolverhampton (Mr. Villiers). The hon. Member, thinking that the party on that (the Opposition) side of the House availed themselves unfairly of the cry of the "Church in danger," determined, it would seem, to meet that cry by a counter-cry, namely, the "Reform Bill in danger." The hon. Gentleman said he had never heard a discussion conducted on the Opposition side of the House in which there did not fall from some one Gentleman or other an intimation that one at least of three great popular questions ought either to be altered or repealed. The first of these was the Roman Catholic Relief Bill. Now he had never heard any Gentleman intimate an intention of bringing in a Bill to repeal that measure. He certainly did hear in the speech of the hon. Member for Meath (Mr. H. Grattan) last night, an extract from some Dublin newspaper, which the hon. Member said placed the hon. Member in possession of his opinions upon the subject, and accordingly, upon the authority of this Dublin newspaper, the hon. Member declared to the House, that it was his intention to propose the repeal of the Catholic Relief Act. Now, as the hon. Member for Meath was a Member of the House of Commons, and consequently had opportunities of hearing the debates within its walls, he trusted the hon. Member would take the indication of his intentions from his own declarations, and not from any anonymous paragraphs which might happen to appear, even in a Dublin newspaper. The hon. Member for Meath, in the course of his speech last night, after attacking him with a great deal of vituperative eloquence, produced extracts from speeches he had formerly delivered as arguments against him. It was rather an unfair instrument to use; but he would not retaliate. The hon. Member for Meath might rest assured that whilst he lived he would never quote an extract from any speech of the hon. Member. But, said the hon. Member for Wolverhampton, "there is not only a disposition on the part of the Opposition to repeal the Roman Catholic Relief Bill; there is also an indication of a wish and an intention to repeal the English Municipal Bill and the Parliamentary Reform Bill. At all events, he had no intention to propose the repeal of the Municipal Bill, because, if the municipal corporations continued in the same change of opinions that had distinguished them for the last year or two, they would shortly become good Conservative bodies. Then, with respect to the Parliamentary Reform Bill, who on that side of the House had proposed its repeal? Who had proposed even to modify it? He had not heard one single attack made either upon the principle or the details of the Parliamentary Reform Act, except from the hon. Gentlemen who sat on the Ministerial side of the House. So far from being satisfied with the great charter of their liberties —so far from being pleased even with the short experience they had just had of it—the book upon the table was pregnant with notices on the part of the usual supporters of the Government to repeal essential and fundamental parts of the Reform Act. He spoke not of speculative questions, such as household suffrage, vote by ballot, annual Parliaments, and the like, but of motions directly and vitally affecting the special principles of the Reform Act. Not one of those notices of motion had been given from that side of the House. They had all been given by those who professed themselves most friendly to the principle of the Reform Act. So much for the argument of the hon. Member for Wolverhampton. It only served to convince him that the constituency of that good town were somewhat uneasy and restless, and that it therefore became necessary for the hon. Gentleman who represented them to raise these bugbears, in order, if possible, to frighten them into a continued support of him. He would now address himself to the speech of the noble Lord (Lord J. Russell). In doing so, he would avoid all reference to the vestal criticism in which the noble Lord had indulged. He would not dwell upon the phrase "the downward path," upon which the noble Lord had laid so much emphasis. Yet what was to be implied from the phrase, as originally employed by his right hon. Friend (Sir J. Graham)? He (Sir R. Peel) would venture to say that if, "instead of the "*facilis descensus*," his right hon. Friend had spoken of the laborious and difficult upward path, he would have been attacked by the noble Lord, the great critic of the administration, for not speaking of the road of concession as an easy and pleasing descent, instead of a stubborn and unpleasing upward journey. Then came the disclosure about the Cabinet dinner. What a disclosure for the noble Lord to make! Why, with his attachment to the popular principle—with his love for Municipal Corporations in Scotland as well as in England and Ireland —why was not the noble Lord, in the case of the Scotch Municipal Bill, found watching over the cradle of freedom, instead of acting the part of Amphitryon, and leaving his charge to take care of itself? So indifferent was the noble Lord to that unfortunate measure, that he positively left it to its fate, and went to dinner. But, in his absence and in his indifference, the noble Lord unjustly and ungenerously sought to involve his right hon. Friend (Sir J. Graham). It was the noble Lord himself, and not the right hon. Baronet, who was absent from the discussion and division of the Scotch Municipal Bill. The noble Lord could not resist the temptation of the Cabinet dinner, at which he was to preside, and in the noble Lord's absence from his post in that House, it was his right hon. Friend who performed his duty—who resisted the temptation even of the noble Lord's cook —who left the noble Lord, now a cabinet minister and leader of the House of Commons, to enjoy his repose at home, whilst he attended in the House, and resisted the proposal for the insertion of the *5l.* clause in the Scotch Municipal Bill. It was true, indeed, that his right hon. Friend, an English Member, showing this laudable desire for the protection of the interests of Scotland, was confirmed in his own opinions by very high authority, for amongst the Scotch Members who, on that occasion, joined with his Friend the right hon. Baronet in doing justice to Scotland, he found the names of Admiral Adam, Sir Henry Parnell, now a member for a Scotch borough, and at the head of the list the name of the right hon. Gentleman whom he had now the honour of addressing in the chair. These were the Gentlemen who resisted the temptation to which the noble Lord unhappily gave way, and who set the example of resisting the *5l.* clause, which, upon the authority, as it would seem, of the hon. Gentleman opposite, it was proposed to insert in the present Bill. He had a great respect for that hon. Gentleman; he had a great respect for his professional opinion; but to quote him as a high authority on Parliamentary law, and upon the expediency of adopting a *5l.* clause, appeared to him to be most extraordinary. When the *5l.* clause was assented to in the Irish Bill, the noble Lord said, "Oh, there is a *5l.* clause in the Scotch Bill, and, therefore, of course, there must be a *5l.* clause in the Irish Bill." Now he (Sir Robert Peel) had certainly heard of a postliminious precedent; and it appeared to him that the precedent referred to by the noble Lord on this occasion, must embrace something of the character implied under that term. Finding that a *5l.* clause in the Scotch Bill would be a sufficient authority for the insertion of a similar clause in the Irish Municipal Bill, the noble Lord immediately set to work to create a precedent, and subsequently to the introduction of the Irish Bill, moved for leave to bring in a Bill to establish a *5l.* constituency in Scotland. That Bill had not yet passed through one single stage; but the noble Lord was glad to look at it in his moment of difficulty, and already it was quoted as a precedent, and used as an argument by those who contended for an identity of the law in both kingdoms. He felt that the argument upon the subject of the Bill then under their consideration, was entirely exhausted. He must, however, be allowed very shortly to state the grounds upon which he rested his opposition to it. He viewed the Bill upon its abstract merits as a scheme of local government for Ireland. Upon its abstract merits, viewing it as it then stood, he objected to it. He still retained the opinion he had formerly expressed, that to establish at once forty-seven Corporations in Ireland, without any previous experience of the working of the reformed municipal system, and in forty out of the forty-seven, to establish a *5l.* franchise, was (even if the policy of the Municipal Corporations were ceded on all hands) carrying the principle to an extravagant and unwise extent. The *5l.* franchise, unaccompanied by the payment of assessed taxes, or any payment corresponding to assessed taxes, such as existed in Scotland, or to the poor-rate as it existed in England, would be a very indifferent, and, in his opinion, insufficient, test of the competency of the constituency. He had stated this objection before. He said, on a former occasion, that he thought it would be better to have some substantial definite test which should prevent all temptation to perjury on the part of any individual as to the value of his house. Was there not at that moment a Committee of the House sitting on the Report of fictitious votes in Scotland? Had not the evils which were said to have arisen in that country upon the subject of the franchise, been entirely the result of the variety of principles laid down as to the value of property? The result of it was, that the temptation to perjury had been so strong, as to lead to the necessity of appointing a Committee of that House to inquire into the extent to which fictitious votes had been carried. The Attorney-General had stated, that there were no less than five different constructions put upon the word "value." With the experience they had already received of the working of the system in Scotland, he did not know how it could be thought that the civil or moral improvement of the people of Ireland would be promoted by extending to them, for all municipal purposes, a *5l.* franchise. It must be borne in mind, too, that the Bill not only established forty-seven Corporations in Ireland, but gave, at the same time, an indefinite power to establish other Corporations in any towns or villages of Ireland where, not the majority of the inhabitants, but any two of them, should make a demand for municipal rights. Wherever any two inhabitants of any town in Ireland, however insignificant their interests in that town, chose to demand a charter of incorporation, there would be a power wholly uncontrolled by Parliament to confer it upon them; and each of these Corporations would have the power of appointing the armed police force, not only to protect the town itself, but to guard the property for seven miles round. They would also have the power of appointing special constables. Was that an application to Ireland of the principle on which English Corporations were framed? It was said, give to Ireland Corporations on the same principle as those of England. The English police were appointed by the Lord-Lieutenant in each county; but in Ireland it was proposed to place the whole of that power in the hands of these local and irresponsible bodies. Upon that ground, as well as upon others on which he would not then dwell, he objected to the Bill as a scheme of local government. The noble Lord might tell him that these were details, and that they ought to have been discussed in Committee. He knew that they were details, and he would state why it was, that they were not discussed in Committee. It was perfectly notorious, that whatever objections the Opposition might have brought forward would at once have been overruled. In the next place, they felt that, with the certainty of being overruled, their objections, if brought forward, would only have the effect of obstructing the prospect of a satisfactory adjustment hereafter. In the course of the speech made last night by an hon. Member on the diplomatic service of his Majesty—he meant the hon. Member for Marylebone—the hon. Gentleman made an appeal to him; and if he passed by that appeal, the hon. Gentleman might suppose that he did not attempt to reply to it because he could not make any comment on it. The observations of the hon. Member ran to this effect:—"There is one way in which, according to his Friends, the right hon. Baronet might escape from this dilemma. They said, 'You don't know Sir Robert Peel; he sees that the Irish Corporation Bill must pass, and when he comes into office, then he will pass something in the shape of a better Bill if he can, and after that he will say, 'Now the Church is, you see, in a better condition; now I'll consent to passing the Corporation Bill.'" He should like to ask the hon. Gentleman, who were those Friends of his whom the hon. Gentleman heard make these assertions? He should like to know what there possibly was in his past conduct, that could entitle Friends of his to give him credit for such a course of proceeding? The hon. Gentleman supposed, or at least his Friends who communicated with the hon. Gentleman, that he meditated in effect to pass this Bill. He did not hesitate to say, that if he contemplated this Bill as he had stated, and if persevering in his hostility to the passing of it on that occasion, and yet as the confidential adviser of the Crown, he intended to sanction it — he did not hesitate to say, that it would be a much more creditable part, seeing such a probability of expressing his conviction of the necessity of the measure, to give his Majesty's Government his support instead of opposing the further progress of the Bill. He trusted, after this remark, he should convince the hon. Gentleman that he did not intend to pass this Bill, should he, by possibility, be placed in office. The hon. Gentleman might say, "no, you do not contemplate passing this Bill in its present shape, but you may sanction a Bill analogous to this with some slight alterations." If the hon. Gentleman asked him whether he thought that, in the present position of public affairs and of parties, one party in that House was not necessarily pledged on the one hand to the unqualified support, and on the other to oppose, the resolution which turned him out of office, he (Sir R. Peel) would ask the hon. Gentleman in reply, when that resolution had passed whether he showed any wish to make concession with respect to the principle of the resolution—whether he showed any hesitation to resign the office he held? No; he left office because he could not sanction that resolution which involved the security of the Church of Ireland. If hon. Gentlemen asked him under what possible circumstances he would consent to any relaxation of his opposition to the establishment of Irish Municipal Corporations, as proposed in this Bill, he would reply, that he thought that hon. Gentlemen had no right to ask him hypothetical questions, or expect an answer to them. But, even if he thought any possible settlement of the question practicable, he did not then think that it would be advantageous to state what he might conceive it to be. He would say, however, that it was the duty of the King's Government, before they asked that House to come to a final decision on this question, to tell them what they intended to do with respect to the Irish Church. To say that that question was unconnected with the one before the House was perfectly insulting; and this was certainly not the feeling of his Majesty's Government at the commencement of the Session. The attention of the Parliament was called to the state of Ireland, and there was an address, to which the House assented at the special invitation of the Minister of the Crown, in which there was the following passage:—

> "We humbly assure your Majesty that we will direct our attention to the state of Ireland, which your Majesty has been graciously pleased to bring especially under our notice; and that, convinced of the wisdom of adopting all such measures as may improve the condition of that part of the United Kingdom, we will take into our early consideration the present constitution of the municipal corporations of that country, the laws which regulate the collection of tithes, and the difficult but pressing question of establishing such legal provision for the poor, guarded by prudent regulations and by such precautions against abuse, as our experience and knowledge of the subject may enable us to suggest."

Would any man tell him that it was not the duty of the Government to indicate what they intended to do with regard to these two important subjects before this House; and, above all, before they were called upon to give a final decision on this measure. He had made this observation on the first night of discussing this Bill, and he had repeated it. When the noble Lord then said, that he would enter into an examination of the state of Ireland, he (Sir R. Peel) thought that he would have gone into an explanation of the principles on which the Government intended to act with respect to all their great measures regarding Ireland. But the noble Lord merely indirectly alluded to the tithe-question, and stated that the nature of the payment to be made under the Poor-law Bill should be explained on a future occasion. Now, he would ask the noble Lord, who had taunted him with dealing in vague generalities, what he meant? Did not the noble Lord, in effect, promise the early production of these measures? The noble Lord must surely be supposed to have had these measures prepared and in his possession. If the noble Lord had not these measures prepared, what did he mean by inducing the King of England, as his adviser, to recommend to Parliament to take, not into their late consideration, not to postpone the subjects to some distant period, but to take into their early consideration the present state of the Corporations, as well as the tithe question, and the difficult question of a provision for the destitute Irish poor? Would any hon. Gentleman suppose for one moment, after such declarations, that the noble Lord and his Colleagues had not got measures prepared on these subjects, that they had not made up their minds on these questions when they alluded to them in this way? The noble Lord now said that he was ready to pass a measure for the settlement of the tithe question, if he could be satisfied that it would meet with the ready assent of the House of Commons, the House of Lords, and the people of Ireland; but he went on to say, that there were great impediments in the way of framing such a measure. He would promise the noble Lord, that if he brought forward these two measures for the settlement of the Irish Church question, and for the establishment of Poor-laws in Ireland —if he knew what were the intentions of the Government on those questions—if he knew what was the particular course which the House of Commons would pursue with respect to those two measures—he would not have pursued such a line as to have rendered himself liable to the taunt of the noble Lord, and those with whom he acted, that he dealt in vague generalities with respect to the Municipal Bill; for he would have distinctly told the noble Lord whether he was prepared to make any concessions on this question, and what would be the nature of such concessions. It would have been open to him to have pursued this course if he had been made acquainted with those measures; but now, being in ignorance of the nature of those measures, he felt it to be his duty to persist in offering his opposition to the Bill before the House. Knowing nothing, therefore, of the intentions of the Government with respect to the Tithe question and the Poor-laws he felt it to be his duty to oppose this measure; and the noble Lord might be assured that if in the present condition of parties, acting on the principles he had always avowed, and ignorant of the manner in which other contemplated measures might modify the Bill, he felt it incumbent on him to oppose it,—he should act on the same principles if he should be called upon to accept office. If he should be inclined, on seeing these two measures with respect to the Irish Church and the establishment of Poor-laws in Ireland, to modify in any degree his opposition to the Municipal Corporation Bill—with respect to which the noble Lord appeared to entertain his chief anxiety—he should take an opportunity to declare distinctly what those modifications were; and to those modifications he should adhere, if they were accepted by the Government; or, if they were not accepted by the Government, to those modifications he would adhere, if by accident he should be placed in their situation. This he thought would be the course which alone it would be creditable to a public man to pursue. If he felt it to be his duty to meet this measure with unqualified opposition, such should be his rule of conduct if he were connected with the Government: if he thought that concessions should be made in case he took office they should be distinctly stated, and the Government should also state whether they would accept them or not. These two questions were most nearly united with that before the House. Would any one deny, after the declarations that had been made, that the chances of a settlement of the Church question, with security to the Establishment, would not be greatly diminished by passing this Bill for establishing Irish Municipal Corporations. He might be told that when they passed the Catholic Relief Bill there was the same assertion of danger to the Establishment. He denied it; for when they passed the Bill to remove the disqualifications and restrictions from the Catholics, they had not only the most distinct and often repeated declarations that the removal of those restrictions would restore tranquillity to Ireland, but that it would also ensure the stability of the Established Church. With a solemn engagement that the maintenance of the Church was compatible with the removal of the disqualifications on the Catholics, the Act was passed. Those disqualifications were removed; and would any one tell him that since that time the Church was not in danger? In many parts of Ireland it was notorious that combinations had been entered into for the purpose of defrauding of their legal property those who had an interest in Church estates. At the present moment, also, they had a resolution of that House before them that no settlement of the tithe question could take place satisfactorily unless it was accompanied with an alienation of Church property. The noble Lord said that he, and those who acted with him, had promised, on some possible occasion, that the subject of Municipal Corporations in Ireland should be taken up with a view to a settlement. They promised that they would take the subject into consideration when they saw the Church placed in a situation of security. The noble Lord, when he alluded to this, seemed to imply that if any man expressed any feelings of anxiety with respect to the Church in Ireland, he was exciting an alarm that it was in danger. This was an inference that was not warranted. Let the noble Lord state the nature of the Bill he was prepared to propose with respect to the Irish Church; and until he did so it was impossible to give any pledge as to the conduct he should pursue with regard to it; but he would maintain the position in which he now stood in opposition to the institution of Corporations in Ireland until he knew what that measure was, and he would give no pledge until he saw that it would ensure a prospect of security for the Church. But was there any prospect that by giving such institutions as were proposed in this Bill that object would be attained. He believed not but that Corporations instead of being framed for the purposes of local government, would be made the means of increasing the power of the political agitators. As he had said before, the state of the question with respect to this Bill was essentially different from the Catholic Relief Bill. What were the objects of the supporting of this Bill? It had been asserted, in a popular assembly, that the maintenance of these institutions should be insisted on in the first place, because by means of these institutions a control could be exercised over the people, and, secondly, that their influence would be exercised in a way to weaken the power of the Church. If they asked him what was his principle for the Government of Ireland, he would reply, it was the maintenance of the principle of the Relief Bill, the freedom of religion to all classes of his Majesty's subjects. But with this condition there was co-existing another, namely, that with the establishment of perfect civil equality there should also be a legal and binding security for the maintenance of the Establishment of the Protestant Church in Ireland as the established religion of the country. If ever there was a combination of justice and wisdom in adhering to a solemn compact—both expressed and implied; if ever considerations of equity and sound policy demanded an adherence to an engagement, it was in the case of the Protestant Church in Ireland. The Legislature consented to the reduction of ten of the Bishops of that Establishment, and the hon. Member for Meath said that a most important concession was gained by it, a larger one than he was prepared to hope for, and what had the Church gained by it? They had also offered the settlement of the tithe question, in order to remove the burthen from the Catholic tenant, and place it on the Protestant landlord; they offered also, great reduction in the revenues of the Church for the attainment of that object, and the only principle to which they adhered, and to which they were determined to adhere, was, that they would not have the voluntary system; they would not sanction the principle that they were indifferent to the existence of any religious establishment, and they would not consent to subtract from the property of the Protestant Church in Ireland for the establishment of the Catholic or any other form of worship in its place. Relying, then, on the principle of the Catholic Relief Bill—relying on the declarations made on its passing, as well as on those directed to be taken under its enactments—relying on the principles of justice and sound policy, involved, in that case, the Opposition required, and they would continue to require, legislative protection for the Church of Ireland, before they consented to give privileges which were not required by the Catholic Relief Bill, and which would only be employed for the subversion of the Established Church. He said, that arrangement was not unfair: he believed, that to these terms the country would subscribe, and the country would adhere. These were terms with which, he also believed, the noble Lord himself, in the present state of political parties and discussions, would be satisfied, and on which he would be prepared to rest. The noble Lord knew, also, that by the resolution which he had proposed, and which had been opposed by him as involving an abstract principle, without a practical result, the House had been fettered—he meant the resolution respecting the appropriation of Church property in Ireland. The noble Lord said the other night, "Taking into consideration the nature of the Act of Union, and the legal rights of the Irish Established Church to its property, it was my duty to support the Establishment." He was glad to hear that declaration; and he inferred that the noble Lord agreed with him, that, on considerations both of duty and of policy, it was entitled to support. The noble Lord also said, that he did not wish to bring forward Bills and place them on the table, which there was not a reasonable hope and prospect of passing through Parliament and giving satisfaction to the people of Ireland. He thought that the noble Lord was right in this; because, bringing forward Bills which it was not possible to carry to a successful termination, was a practice which, to say the least of it, was not prudent. The noble Lord had further declared, in manly language, that whenever such measures were brought forward, coming from what quarter they might, and believing that they would have such a result, no feeling of false pride should prevent his giving his cordial support to them. The noble Lord, he was sure, when he made use of that language, heard no taunt from him at a declaration so becoming in the noble Lord's situation. He thought that the noble Lord meant that he was ready, at the expense of every sacrifice—that he was ready to propose to Parliament the settlement of the tithe question, independently of the resolution by which he said the question was embarrassed. If such was the intention of the noble Lord, although that resolution had proved fatal to his government—if such was the intention of the noble Lord, not one word of taunt should fall from him on the subject; but he would at once proceed to the consideration of the tithe question with a view to the settlement of it. He saw no other way by which this question could be satisfactorily settled. It was the evil of that resolution, neither acted on nor abandoned, that it engendered bitterness in Ireland. The noble Lord and his Colleagues knew that it was impossible to leave the question in its present state. The Government and the Legislature must do something. He thought, that it was imperative on him to make this declaration with respect to the Irish tithe question, and to show that it was necessary that they should have an explanation of the views of the Government on this question before being called upon to give an opinion on the measure before them. Again, a further explanation as to the Poor-law Bill was also necessary. If they adopted that Bill for Ireland, it would be absolutely necessary to have some other test than residence of a fitness to exercise the right of voting for municipal officers; but until the House knew what were the intentions of the Government, it would be in vain to attempt to give any explanation as to the probable bearings of that measure. If, as he had said before, after hearing an explanation of the two measures to which he had adverted, he retained his opposition to this measure, he would frankly declare it to the House and the Government; and if it were possible to make any qualification of his opposition on this subject, he would as explicitly state the extent of it, and give the Government the opportunity of deciding whether or not it would be sufficient for their object. He knew not what was the nature of the vague intimation on the part of his Majesty's Government of their intention of relinquishing office, he knew nothing about it; he viewed it with great indifference, and he was not at all surprised at their desire to relinquish office. I do not taunt them (continued the right hon. Baronet) with the desire to retain office. I believe, in the present position of public affairs, few men would take office, unless impelled by a sense of public duty. Oh! look at the position of public affairs. Look at the position of your foreign affairs. I am glad to see a smile on the noble Lord's (Lord Palmerston's) face. Oh, the noble Lord has a right to smile with respect to the position in which this country stands to Russia and the great powers of the north, to Spain, to France, and, indeed, with respect to all other powers. [*Question.*] This is the question—this is the real and pinching part of the question. Look at the state of commercial embarrassment in which the country is placed. Look at the want of employment in which many of your manufacturers now are. Look at the state of the governments of the three great powers of the west of Europe at the present moment. In France there is no Government—in Spain no Government—and in England, the question arises from day to day, whether there is a Government or not. Look, also, at the state of the public business before this House. Hundreds of questions, of great public importance, are glanced at, but not proceeded with. From day to day a great variety of observations are made, but nothing is done towards advancing them to maturity. What has hitherto been done in the course of the present Session? Have any measures of importance been sent up to the House of Lords? Certainly many measures of great importance have been brought forward by the Government, but no question, except the measure now under consideration, has been advanced to any thing like a result. The Irish Poor-law Bill and the Church-rate measure, have been introduced, but if you go through the whole of the Parliamentary history, I do not believe that you will find a period when the public business was ever in such a state. Again, look at the state of your colonial policy. I say this in reference to those who believe that there are parties who seek, by low intrigue, to endeavour to overturn the Government, and then intend to bring to maturity the measures they have introduced. If you look steadily at the state of public affairs, I think that hon. Gentlemen will agree, that no man, but from a sense of public duty, would take office upon himself. If his Majesty's Government wish to seek a pretext for abandoning office, and to escape from the difficulties with which they are surrounded, I do not hesitate to say that I believe there is energy enough in the country to find compensation for their loss. If the crew choose to abandon the noble vessel amidst the breakers, I do not believe she is yet so unmanageable that she cannot be saved, or that the country will not lend its cheerful support to those who would make an effort to save her, and conduct her and all the precious interests with which she is freighted, into a tranquil and secure haven.

The House divided:—Ayes 302; Noes 247: Majority 55.

List of the Ayes.

Acheson, Viscount
Adam, Sir C.
Aglionby, H. A.
Ainsworth, P.
Alston, Rowland
Andover, Viscount
Anson, Sir George
Anson, Colonel
Astley, Sir Jacob, Bt.
Attwood, T.
Bagshaw, John
Bainbridge, E. T.
Baines, E.
Ball, N.

Bannerman, Alex.
Barclay, David
Baring, F. T.
Barnard, E. G.
Barron, H.
Barry, G. S.
Beauclerk, Major
Belfast, Earl of
Bellew, Rich. M.
Bellew, Sir P.
Benett, J.
Bentinck, Lord W.
Berkeley, hon. F.
Berkeley, hon. G. C.
Berkeley, hon. C. C.
Bernal, R.
Bewes, T.
Biddulph, Robert
Bish, T.
Blackburne, John
Blake, M. J.
Blunt, Sir C.
Bowes, John
Brady, Denis C.
Bridgeman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Buller, Charles
Buller, E.
Bulwer, H. L.
Bulwer, Edw. L.
Butler, hon. P.
Buxton, F.
Byng, George
Byng, G. S.
Callaghan, D.
Callaghan, Sir J.
Campbell, W. F.
Carter, B.
Cave, R. O.
Cavendish, hon. C.
Cavendish, hon. G. H.
Cayley, Edward S.
Chalmers, P.
Chapman, M. L.
Chetwynd, Captain
Chichester, J. P. B.
Clay, William
Clayton, Sir W.
Clements, Viscount
Codrington, Sir E.
Colborne, N. W. R.
Collins, W.
Cowper, hon. W. F.
Crawford, W. S.
Crawford, W.
Crawley, S.
Crompton, Samuel
Curteis, H. B.
Curteis, E. B.
Dalmeny, Lord
Dennistoun, Alex.
D'Eyncourt, C. T.
Dillwynn, L. W.
Divett, E.
Donkin, Sir R.
Duncombe, T.
Dundas, hon. J. C.
Dundas, hon. T.
Dundas, J. D.
Dunlop, J.
Ebrington, Viscount
Edwards, Colonel
Ellice, E.
Elphinstone, H.
Etwall, Ralph
Euston, Earl of
Evans, G.
Ewart, W.
Fazakerley, J. N.
Fellowes, N.
Fergus, John
Fielden, J.
Ferguson, Sir R. C.
Ferguson, Sir R. A.
Ferguson, Robert
Fergusson, R. C.
Fitzgibbon, hon. R.
Fitzroy, Lord C.
Fitzsimon, C.
Fleetwood, Peter H.
Folkes, Sir W.
Fort, J.
French, F.
Gaskell, Daniel
Gillon, W. D.
Gordon, Robert
Goring, H. D.
Grattan, J.
Grattan, Henry
Grey, Sir Geo., Bt.
Grote, George
Guest, J.
Hall, Benjamin
Hallyburton, Lord D.
Handley, H.
Harland, Wm. Chas.
Harvey, D. W.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hay, Sir A. L., Bt.
Heathcote, J.
Hector, C. J.
Hindley, C.
Hobhouse, Sir J. C.
Hodges, T. L.
Hodges, T. T.
Holland, Edward
Horsman, Edward
Hoskins, K.
Howard, R.
Howard, P. H.
Howick, Viscount
Hume, J.
Humphery, J.
Hurst, R. H.
Hutt, Wm.
James, W.
Jervis, John
Johnstone, Sir J.
Johnston, Andrew
King, Edward B.
Labouchere, H.
Lambton, H.
Langton, W. G.
Leader, J. T.
Lee, John Lee
Lefevre, Charles S.
Lemon, Sir C.
Lennard, Thomas B.
Lennox, Lord George
Lennox, Lord Arthur
Leveson, Lord
Loch, J.
Long, W.
Lushington, Dr.
Lushington, C.
Lynch, A. H.
Macnamara, Major
M'Taggart, J.
Maher, J.
Mangles, J.
Marjoribanks, S.
Marshall, W.
Marsland, Henry
Martin, T.
Maule, hon. F.
Maxwell, John
Methuen, P.
Molesworth, Sir W.
Moreton, A.
Morpeth, Viscount
Morrison, J.
Mosley, Sir O., Bt.
Mostyn, E.
Murray, rt. hon. J.
Nagle, Sir R.
O'Brien, Cornelius
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, Morgan
O'Conor, Don
O'Ferrall, R. M.
Ord, W. H.
Oswald, James
Paget, Fred.
Palmer, Gen.
Palmerston, Viscount
Parker, John
Parnell, Sir H.
Parrott, Jasper
Parry, Sir L. P.
Pattison, J.
Pease, J.
Pechell, Captain R.
Philips, M.
Philips, G. R.
Phillips, Charles M.
Pinney, William
Ponsonby, W.
Ponsonby, J.
Potter, R.
Poulter, John Sayer
Power, James
Power, John
Poyntz, W. Stephen
Pryme, George
Pryse, Pryse
Ramsbottom, John
Rice, rt. hon. T. S.
Rippon, Cuthbert
Robarts, A. W.
Robinson, G. R.
Roche, William
Roche, David
Roebuck, J. A.
Rolfe, Sir R. M.
Rooper, J. Bonfoy
Rundle, J.
Russell, Lord J.
Russell, Lord
Russell, Lord Charles
Ruthven, E.
Sanford, E. A.
Scott, Sir E. D.
Scott, James W.
Scourfield, W. H.
Scrope, G. P.
Seale, Colonel
Seymour, Lord
Sharpe, General
Sheil, Richard L.
Simeon, Sir R. G.
Smith, J. A.
Smith, hon. R.
Smith, R. V.
Smith, B.
Speirs, A.
Stanley, W. O.
Steuart, R.
Stewart, P. M.
Stuart, Lord D.
Stuart, Lord James
Stuart, V.
Strangways, hon. J.
Strickland, Sir G.
Surrey, Earl
Talbot, C. R. M.
Talbot, J. Hyacinth
Talfourd, Sergeant
Tancred, H. W.
Thomson, C. P.
Thompson, Col.
Thornley, T.
Tooke, W.
Townley, R. G.
Tracy, Charles H.
Trelawney, Sir W.
Troubridge, Sir T.
Tulk, G. A.
Turner, W.
Tynte, Charles K. K.
Tynte, C. J. K.
Verney, Sir H., Bt.
Villiers, C. P.
Vivian, J. H.
Wakley, T.
Walker, C. A.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. George
Wason, R.
Westenra, hon. H. R.

Whalley, Sir S.
White, Samuel
Wigney, I. N.
Wilbraham, G.
Wilde, Sergeant
Wilks, John
Williams, W.
Williams, W. A.
Williams, Sir J.
Williamson, Sir H.
Wilson, Henry
Winnington, Sir T.
Winnington, H. J.
Wood, Alderman
Worsley, Lord
Woulfe, Sergeant
Wrightson, W. Battie
Wrottesley, Sir J., Bt.
Wyse, T.
Young, G. F.

TELLERS.
Wood, Charles
Stanley, Edward J.

List of the NOES.

Agnew, Sir A., Bt.
Alford, Viscount
Alsager, Capt.
Arbuthnot, hon. H.
Archdall, M.
Ashley, Viscount
Ashley, hon. H.
Bagot, hon. W.
Bailey, J.
Baillie, H. D.
Balfour, T.
Barclay, C.
Baring, Francis
Baring, H. Bingham
Baring, W. B.
Baring, T.
Barneby, John
Bateson, Sir R.
Beckett, Sir J.
Bell, M.
Bentinck, Lord G.
Bethell, Richard
Blackburne, John I.
Blackstone, W. S.
Boldero, Capt. H. G.
Bolling, Wm.
Bonham, R. Francis
Borthwick, Peter
Bowles, G. R.
Bradshaw, James
Bramston, T. W.
Brownrigg, S.
Bruce, Lord E.
Bruce, C. L. C.
Bruen, Col.
Bruen, F.
Buller, Sir J. B. Yarde
Burrell, Sir C. M.
Campbell, Sir H.
Canning, rt. hon. Sir S.
Castlereagh, Visc.
Chandos, Marq. of
Chaplin, Col.
Chapman, A.
Charlton, E. L.
Chichester, A.
Clive, Viscount
Clive, hon. R. H.
Codrington, C. W.
Cole, A. H.
Cole, Viscount
Compton, H. C.
Cooper, E.
Coote, Sir C. H.
Corry, H.
Cripps, J.
Dalbiac, Sir C.
Damer, D.
Darlington, Earl of
Davenport, John
Dick, Q.
Dottin, Abel Rous
Dowdeswell, Wm.
Duffield, Thomas
Dunbar, George
Duncombe, W.
Duncombe, hon. A.
East, J. B.
Eastnor, Viscount
Eaton, Richard J.
Egerton, Sir P.
Egerton, Lord F.
Elley, Sir J.
Elwes, J.
Estcourt, T. G.
Estcourt, T. H.
Fancourt, Major
Farrand, R.
Fector, J. M.
Feilden, William
Ferguson, G.
Finch, George
Fleming, John
Foley, Edw. Thomas
Follett, Sir W.
Forbes, W.
Forester, hon. G.
Freshfield, James W.
Gaskell, Jas. Milnes
Geary, Sir W.
Gladstone, T.
Gladstone, W. E.
Glynne, Sir S. R.
Goodricke, Sir F.
Gordon, hon. W.
Goulburn, rt. hon. H.
Goulburn, Sergeant
Graham, Sir J.
Grant, hon. Colonel
Greene, T.
Griesley, Sir R.
Grimston, Viscount
Grimston, hon. E. H.
Hale, Robert B.
Halford, H.
Hamilton, Geo. Alex.
Hamilton, Viscount
Hanmer, Henry
Hanmer, Sir J.
Harcourt, G.
Harcourt, G. S.
Hardinge, Sir H.
Hardy, J.
Hawkes, T.
Hayes, Sir Edm. S.
Henniker, Lord
Herbert, hon. Sydney
Herries, rt. hon. J. C.
Hillsborough, Earl of
Hogg, J. W.
Hope, hon. James
Hope, Henry T.
Hotham, Lord
Houstoun, G.
Hoy, J. B.
Hughes, Hughes
Inglis, Sir R. H.
Irton, Samuel
Jermyn, Earl
Jones, Wilson
Jones, Theobald
Kearsley, J. H.
Kerrison, Sir Edw.
Kirk, Peter
Knatchbull, Sir E.
Knight, H. G.
Knightley, Sir C.
Law, hon. Charles E.
Lawson, Andrew
Lees, J. F.
Lefroy, A.
Lefroy, Thomas
Lewis, David
Lewis, Wyndham
Lowther, Col. H. C.
Lowther, Viscount
Lowther, J. H.
Lucas, Edward
Lushington, S.
Lygon, hon. Gen.
Mackinnon, W. A.
Maclean, Donald
Mahon, Viscount
Manners, Lord C.
Marsland, T.
Martin, J.
Mathew, Captain
Maunsell, T. P.
Maxwell, H.
Meynell, Captain
Miles, William
Miles, P. J.
Miller, Wm. Henry
Mordaunt, Sir J., Bt.
Morgan, Chas. M. R.
Neeld, J.
Neeld, John
Nicholl, Dr.
Norreys, Lord
O'Neill, General
Ossulston, Viscount
Owen, Sir J., Bt.
Owen, Hugh
Packe, C. W.
Palmer, Robert
Palmer, George
Parker, M.
Patten, J. Wilson
Peel, Sir R., Bt.
Peel, Colonel J.
Peel, W. Y.
Pelham, hon. C.
Pemberton, Thomas
Perceval, Col.
Pigot, Robert
Polhill, Frederick
Pollen, Sir J., Bt.
Pollington, Viscount
Pollock, Sir F.
Powell, Colonel
Praed, W. M.
Price, S. G.
Pringle, A.
Rae, Sir Wm., Bt.
Reid, Sir J. R.
Richards, J.
Richards, R.
Rickford, W.
Ross, Charles
Russell, C.
Ryle, John
Sanderson, R.
Sandon, Viscount
Scarlett, hon. R.
Scott, Lord J.
Shaw, F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Col.
Sinclair, Sir G.
Smith, A.
Smith, T. A.
Somerset, Lord G.
Stanley, E.
Stanley, Lord
Stewart, John
Sturt, Henry Charles
Tennent, J. E.
Thomas, Colonel
Thompson, Ald.
Tollemache, hon. A.
Trench, Sir Fred.
Trevor, hon. A.
Twiss, H.
Tyrrell, Sir J.
Vere, Sir C. B.
Verner, Colonel
Vesey, hon. T.
Vivian, J. E.
Vyvyan, Sir R.
Wall, C. B.
Walpole, Lord
Walter, John
West, J. B.
Weyland, Major
Whitmore, Thos.
Wilbraham, B.
Williams, Robert
Williams, T. P.
Wodehouse, E.

Wood, Colonel
Wortley, hon. J.
Wyndham, Wadham
Wynn, rt. hon. C. W.
Yorke, E. T.
Young, J.
Young, Sir W.

TELLERS.
Clerk, Sir J.
Fremantle, Sir T. W.

Paired Off.

FOR.	AGAINST.
Angerstein, J.	Calcraft, J. H.
Baldwin, Dr.	Longfield, R.
Bodkin, J. J.	Mandeville, Visc.
Brabazon, Sir W.	Lopez, Sir R.
Buckingham, J. S.	Somerset, Lord E.
Burdon, W. W.	Hodgson, Hinde
Burton, H.	Ker, D.
Clive, E. B.	Price, R.
Childers, J. W.	Dugdale, W. S.
Collier, J.	Hill, Sir R.
Conyngham, Lord A.	Chisholm, A. W.
Cookes, T. H.	Houldsworth, T.
Denison, J. E.	Harcourt, Granville
Finn, W.	Stormont, Viscount
Fitzsimon, N.	Conolly, Col. E. M.
Forster, C. S.	Cartwright, W. R.
Gisborne, T.	Peel, Edmund
Grosvenor, Lord R.	Egerton, T.
Gully, John	Smythe, Sir H.
Heneage, E.	Corbett, Thomas G.
Heron, Sir R.	Welby, Glynne Earl
Jephson, C. D. O.	Jackson, Sergeant
Lister, E. C.	Halse, James
Milton, Viscount	Lincoln, Earl of
Oliphant, Thomas	Johnstone, Hope
Price, Sir R.	Trevor, Rice
Thompson, P. B.	Beresford, Sir J.
Vivian, Major	Wynn, Sir W.
Wemyss, Colonel	Rushbrooke, R.
Westenra, H. R.	Gore, W. O.

Bill read a third time and passed.

HOUSE OF COMMONS,

Wednesday, April 12, 1837.

MINUTES.] Petitions presented. By Sir GEORGE CLERK, Mr. BUCKINGHAM, and other Hon. MEMBERS, from Edinburgh, for the Adoption of Measures to secure the greatest degree of safety to the Life and Property of the Mercantile Navy.—By Mr. HUME, from St. Martin's-in-the-Fields, Westminster, and Gateshead, for County-rates Bill.

SEVERN NAVIGATION.] Captain Winnington moved the Second Reading of the Severn Navigation Bill.

Captain *Berkeley* hoped the House would give him its attention while he stated shortly the reasons which induced him to move that the Bill be read a second time that day six months. He would not go into the details of the Bill, as he considered a Committee the best place for their consideration; but he would rest his opposition to the measure on the ground that it contemplated the destruction of rights and privileges which had existed for centuries, and which had been confirmed by charters of Kings Henry 6th, 7th, and 8th. A private company wished to monopolise those rights and privileges, in order to promote their own interests; but he hoped the House would not sanction such a proceeding, and that it would preserve those rights for those who had so long enjoyed them. The House had laid down certain regulations in regard to all similar undertakings, railways for instance, and those regulations required that a certain number of assents of landholders on the line should be given before the Bill was allowed to be proceeded with. Now, in the present case the distance was seventy-one miles, and there were only four miles and a half of assents. That, he thought, sufficiently showed the feelings of the landholders. In the second place, the regulations of the House required that all undertakings of this sort should have two *termini*; now the present undertaking had no *terminus* whatsoever. It was said that they were to raise the water to the height of twelve feet, but where was the use of increasing the depth of water in one part of the river when there was no *terminus*, which would admit of vessels drawing more than five feet? In the third place, he gave his opposition to the measure because it would interfere with the free navigation of the river, and invest a private company with rights which ought to be open to the public. He opposed it because the toll to be levied was to be exacted for the benefit of private individuals, whereas he contended that the toll, after paying off the debt, ought to be applied to the public use. These, then, were the great principles on which he resisted the measure —viz., want of a *terminus*, and want of consent from the landowners whose property would be interfered with, and because it would interfere with the free navigation of the river.

The Earl of *Darlington* had never seen an instance of an attempt to bring in a private Bill likely to produce greater injury to property and less benefit to the public. Could it have been shown that the measure would be productive of public advantage, and that compensation would be afforded for the injuries done to property, he should have considered himself bound to support the undertaking; but as no public advantage could arise, and as there was no prospect of compensation, he felt it his duty to oppose the second reading. The promoters of this Bill were a joint-stock company, and the object was to establish at Worcester conveniences for shipping, similar to those possessed by Gloucester. He was no advocate for monopoly, but they ought to seek the attainment of their object out of their own means, and not endeavour to make the public pay for an advantage which was merely local. Look at the injustice which would be done to the landowners of Shropshire and Montgomeryshire, to whom the navigation of the river had always been free; but on whom the present Bill contemplated the levy of a toll, without yielding any corresponding benefit. During eight months of the year the river was open to the trade of those counties, but during the other four months, in the heat of summer, the river was not navigable, and what the present Bill proposed was, to render a portion of the river navigable during the whole year. But of what use would the deepening of the river be to those who were situated higher up than the termination of the contemplated improvement? And would it be reasonable or just to levy a toll on those who, in fact, derived no advantage from the undertaking? It was because of the injustice which would be done to the Shropshire traders that he opposed the Bill. He allowed that to improve the navigation of the Severn would be desirable; but, because he made that admission, there was no reason why he should agree to the present measure, which would prove merely beneficial to a joint-stock Company, and, instead of conferring any advantage upon the public, would inflict a serious injury on the landowners and traders of the counties he had mentioned. Next Session a Bill would be brought forward which would accomplish all that was desirable in regard to the navigation of the Severn, at much less expense than could be done by the present Bill, and he hoped therefore the House would pause before allowing the Bill to be read a second time.

Sir *George Strickland* thought it a wholesome practice for the House sometimes to reject Bills on the second reading, and not put parties to the expense attending a Committee. The present was one of those Bills which, he thought, the House would act wisely in rejecting; for the river Severn had for centuries formed a common highway for the trade of a large and important portion of the country, and many thousand individuals gained their living by participating in that trade. It was not, therefore, reasonable or just for a joint-stock company to seize on the advantages which had so long been enjoyed by the public; and the power to improve the navigation of the river ought to be vested in commissioners acting for the public benefit, and not for the benefit of private individuals. The debt created for the purposes of improvement ought to be paid off from the proceeds of the tolls, and then the river ought at once to be thrown open. Nothing of the sort, however, was contemplated by the present Bill. But were the interests of the landowners not to be considered? They were decidedly opposed to the undertaking, for in the whole seventy-one miles there were only four miles of assents, and in the whole of the important county of Gloucester there was only one mile assenting. The river, too, was to be raised four feet, and as the beautiful meadows along its banks were at present subject to inundation after rain, the House might form some idea of the damage which would be done were the river raised permanently four feet above its present level. Yet there was no clause in the Bill providing compensation for the injury which would be done: the landowners were to see their meadows continually flooded and their property destroyed, but no compensation was to be afforded them. He would be told that there was a clause providing that if, after the payment of ten per cent. to the subscribers, any surplus remained, then the company were to be permitted to give compensation; but was that sufficient? Would the House act justly to the landowners to leave their interests protected only by so vague and unsatisfactory a clause? It would not; and he hoped, therefore, that the House would not put the landowners to the expense of defending their interests before a Committee.

Colonel *Wood* allowed, that the river Severn was a beautiful highway, but so was the Thames, and the Thames had been improved by locks, and a toll had been imposed for the purpose of carrying those improvements into execution; nor had the proprietors on the Thames been subjected to any inconvenience from increasing the depth of the water, and he saw no good reason why there should be any fear for the meadows along the Severn. He had a petition in favour of this Bill to present, and from that petition it was plain, that advantage would arise from the contemplated improvements, for the petitioners prayed that the Bill might pass, as they would then be enabled to send the Welch coals further into the country.

Alderman *Wood* opposed the Bill, and explained, that the improvements in the Thames had been effected by a public company, which had borrowed their money at five per cent., and which contemplated the entire abolition of the toll when the debt was paid off. He contended, that great injury would be done to the fisheries on the river, while no compensation was provided for that injury; and he would tell the Irish Members not to be deceived by the prospect of being able to send their oats further up the river than they did at present. He would ask the hon. Member for Brecknockshire (Colonel Wood) whether he was aware that the company contemplated next year, should they succeed with their present Bill, carrying their measures still further, and taking such steps as would have the effect of impeding the traffic along the Welch roads? Did he know, that they proposed cutting across those roads, and was he aware of the impediments which would be thrown in the way of his own tenants, perhaps, by the passage through the bridges of a number of vessels ascending or descending at the same time? He would vote against the second reading.

Mr. *Richards* said, the objection that this was not a public company was applicable to all parties that came before that House on petitions for private Bills. He thought the present company, as they took upon themselves a considerable risk for the public good, were entitled to the thanks of the worthy Alderman who had last spoken. He quite agreed with the observation, that if it could not be shown that the undertaking was for the public good, it ought not to receive the sanction of the House; but the undertaking would be productive of great public advantage, and he therefore trusted the House would allow the parties to proceed with the Bill. It had been said, that this was a plan by which the beautiful meadows along the Severn would be destroyed; but what was the fact? Why, the permanent water-line was two feet six inches below the level of those meadows; yet they were told, that the pounding up of the river was to destroy the beautiful meadows along its course. They would, however, be as dry as at present. Again, the object of the company was not to impede the navigation of the river, but to render its navigation practicable at all times. They proposed to give the public facilities for their trade during the whole year, which they at present enjoyed only for eight months of the year. That he thought was no slight benefit to the public. Much had been said too about the enormous expense which the public would have to pay; but what was the real truth? Why the amount of toll was only one farthing per ton per mile—10½*d.* per ton for the whole distance of forty-two miles! Now he would ask who would have his goods delayed for a single day from unwillingness to pay such a sum? This improvement had been called for for years, and he hoped the House would send the Bill into Committee, where its details would be fully considered.

Mr. *Robinson* maintained, that there were no grounds for calling this measure a monopoly; for the company were willing to undertake a great improvement at their own cost, and that undertaking could not fail of being beneficial to the public. The Severn was only open for navigation for eight months, and they proposed for one farthing per ton to open the navigation for the whole year. Let the House, then, consider what would be the consequence to trade of a dry season, and then let them say whether the contemplated undertaking would not prove highly beneficial to the public. The object was to open up a communication into the heart of a populous manufacturing country; and the expense at which that important object was to be attained certainly could not be complained of with justice. It had been objected that the clause providing compensation to the landowners and others whose property might be injured by the undertaking was not sufficient; but, in the name of the company, he would pledge himself that a clause should be inserted affording the most ample guarantee. He therefore hoped the House would allow the second reading to take place.

Mr. *Robert Clive* opposed the second reading on account of the injury the measure would inflict on the traders of Salop; and contended, that although it was true that the river was not navigable for the whole year, yet by occasional floods the traders were enabled to carry on their traffic.

Mr. *Hope* made a few observations in opposition to the second reading, but the cries of "Divide" were so loud that we are unable to give their import.

Sir *John Wrottesley* supported the second reading, and observed, that the opposition came from two points—namely, the inhabitants of Glocester and the traders of Shropshire, both of whom, he contended, would be greatly benefitted by the undertaking. If danger to the landowners was occasioned by the measure, they must indeed be very clumsy engineers.

Captain *Winnington* said, if he thought any inconvenience or danger would accrue to the landowners from the measure, he should be as ready to oppose it as he was now to advocate it. But this supposition had been completely negatived by the opinions of Mr. Cubitt, Mr. Walker, and several other experienced engineers. He hoped the hon. and gallant Member for Glocester would consent to withdraw his amendment and permit the Bill to be read a second time.

Mr. *Cresset Pelham* expressed a hope that a little attention would be paid to the opponents of so monstrous a measure as that now under consideration—a measure which went to turn a river into a sea. A measure similar to the present had been brought forward in that House fifty years ago; it was rejected, however, as he trusted the present Bill would be.

Sir *Robert Peel* said, he had only one single sentence to offer, which was, that the speech of the hon. Member who had just sat down was conclusive in favour of the second reading of this Bill. If the measure would convert this river into a great sea, and thus make a new seaport in the very centre of the country, it might be a monstrous measure, but it would be one of great advantage to the commerce of the country.

The House divided on the second reading:—Ayes 124; Noes 151;—Majority 27.

List of the AYES.

Alsager, Captain
Bagshaw, J.
Bailey, J.
Baines, E.
Barnard, E. G.
Barneby, J.
Barron, H. W.
Beauclerk, Major
Beckett, Sir J.
Bellew, R. M.
Bennett, J.
Bentinck, Lord W.
Bewes, T.
Bish, T.
Blake, M. J.
Borthwick, P.
Bowles, G. R.
Brady, D. C.
Bridgeman, H.
Brocklehurst, J.
Brotherton, J.
Buckingham, J. S.
Buller, E.
Buller, H. L.
Buxton, T. F.
Campbell, Sir J.
Chalmers, P.
Chetwynd, Captain
Chichester, A.
Clive, Viscount
Codrington, Admiral
Dalmeny, Lord
Dillwyn, L. W.
Divett, E.
Duncombe, T.
Dunlop, J.
Eastnor, Viscount
Edwards, J.
Ewart, W.
Ferguson, Sir R.
Fergusson, R. C.
Fort, J.
Grey, Sir G.
Guest, J. J.
Handley, H.
Hardy, J.
Harland, W. C.
Hawes, B.
Hector, J. C.
Hindley, C.
Hodges, T. L.
Holland, E.
Hoskins, K.
Hotham, Lord
Hume, J
Hutt, W.
James, W.
Kearsley, J. H.
King, E. B.
Labouchere, H.
Lawson, A.
Leader, J. T.
Lemon, Sir C.
Lewis, D.
Lucas, E.
Lushington, Dr.
Lushington, C.
Marshall, W.
Marsland, H.
Molesworth, Sir W.
Morgan, C. M. R.
Mosley, Sir O.
Murray, rt. hon. J. A.
Nicholl, Dr.
O'Brien, C.
O'Connell, J.
O'Connell, M. J.
Palmer, Gen.
Parker, M.
Parker, J.
Parrott, J.
Parry, Sir L. P. J.
Peel, rt. hon. Sir R.
Philips, M.
Philips, G. R.
Polhill, F.
Ponsonby, hon. W.
Potter, R.
Poulter, J. S.
Power, J.
Richards, J.
Rippon, C.
Rundle, J.
Russell, Lord C.
Ruthven, E.
Scott, Sir E. D.
Scott, J. W.
Seale, Colonel
Sheppard, T.
Sinclair, Sir G.
Smith, A.
Somerset, Lord G.
Stanley, E. J.
Stanley, W. O.
Stuart, Lord J.
Stuart, V.
Strangways, hon. J.
Sturt, H. C.
Talfourd, Sergeant
Thompson, Colonel
Thorneley, T.
Tracy, C. H.
Turner, W.
Villiers, C. P.
Vivian, J. H.
Vivian, J. E.
Wilbraham, G.
Wilks, J.
Winnington, Sir T.
Wood, Colonel T.
Wrottesley, Sir J.
Wyndham, W.
Wyse, T.
Young, G. F.

TELLERS.

Winnington, H.
Robinson, G. R.

List of the NOES.

Ainsworth, P.
Alston, R.
Arbuthnot, hon. H.
Ashley, hon. H.
Attwood, T.
Bagot, hon. W.
Barclay, C.
Baring, H. B.
Bateson, Sir R.
Belfast, Earl of
Berkeley, hon. C.
Bethell, R.
Blackburn, I.
Blackstone, W. S.
Boldero, H. G.
Bradshaw, J.
Bruce, Lord E.
Bruce, C. L. C.
Bruen, Colonel
Buller, Sir J. Y.
Burrell, Sir C.
Campbell, W. F.
Cartwright, W. R.
Chandos, Marquess of
Chaplin, Colonel
Chapman, A.
Chichester, J. P. B.
Clerk, Sir G.
Clive, hon. R. H.
Codrington, C. W.
Cole, hon. A. H.
Cole, Viscount
Compton, H. C.
Corry, right hon. H.
Cripps, J.
Darlington, Earl of
D'Eyncourt, C. T.
Duffield, T.
Dunbar, G.
Duncombe, hon. W.
Duncombe, hon. A.
Eaton, R. J.

Egerton, Sir P.
Elley, Sir J.
Elphinstone, H.
Elwes, J. P.
Estcourt, T.
Estcourt, T.
Farrand, R.
Fector, J. M.
Fielden, W.
Fergus, J.
Ferguson, Sir R. A.
Finch, G.
Forbes, W.
Forester, hon. G.
Gaskell, J. Milnes
Gladstone, T.
Gladstone, W. E.
Glynne, Sir S.
Gordon, R.
Gordon, hon. Captain
Goring, H. D.
Graham, Sir J.
Greene, T.
Grote, G.
Hale, R. B.
Halford, H.
Hall, B.
Hamilton, Lord C.
Hanmer, Sir J.
Hay, Sir A. L.
Hayes, Sir E. S.
Henniker, Lord
Herries, rt. hon. J. C.
Hillsborough, Earl of
Hope, H. T.
Houstoun, G.
Howard, P. H.
Inglis, Sir R. H.
Jones, T.
Irton, S.
Kerrison, Sir E.
Knatchbull, Sir E.
Knight, H. G.
Knightley, Sir C.
Lambton, H.
Langton, W.
Lennox, Lord G.
Lennox, Lord A.
Leveson, Lord
Loch, J.
Lowther, J.
Lushington, S. R.
Mackinnon, W. A.
Maclean, D.
Mahon, Viscount
Maunsell, T. P.
Meynell, Captain
Miles, W.
Miles, P. J.
Miller, W. H.
Moreton, hon. A.
Neeld, H. J.
Neeld, J.
Norreys, Lord
Ossulston, Lord
Pack, C. W.
Palmer, R.
Pattison, J.
Pease, J.
Pechell, Captain
Pelham, J. C.
Pigot, R.
Pollington, Viscount
Powell, Colonel
Price, S. G.
Pringle, A.
Roebuck, J. A.
Sandon, Viscount
Sanford, E. A.
Scrope, G. P.
Spiers, A.
Stanley, E.
Talbot, C. R. M.
Trelawney, Sir W.
Trevor, hon. A.
Twiss, H.
Tynte, C. J. K.
Tyrell, Sir J. T.
Vere Sir C. B.
Verner, Colonel
Vesey, hon. T.
Vyvyan, Sir R.
Wall, C. C.
Walpole, Lord
Weyland, Major
Whitmore, T. C.
Wigney, I. N.
Wilbraham, hon. B.
Williams, R.
Williams, W. A.
Williams, Sir J.
Williamson, Sir H.
Wilmot, Sir J. E.
Wodehouse, E.
Wood, Alderman
Wynn, rt. hon. C. W.
Wynn, Sir W. W.
Young, J.
Young, Sir W.

TELLERS.

Berkeley, Captain
Strickland, Sir G.

Bill put off for six months.

THE MERCHANT SERVICE.] Mr. *Buckingham* rose to move the second reading of the Merchant Shipping Bill, which he said he had founded upon the Report of a Committee that had been appointed to inquire into the number of wrecks of vessels in the merchant service, and what means could be taken to prevent the frequency of shipwrecks. The loss of life and property every year was immense, and, however it might be argued that persons had a right to deal with their own property as they pleased, the loss of life demanded the serious attention and interference of the Legislature. The remedy which he proposed to apply by this Bill was, to establish a Marine Board to regulate the merchant service in the same manner as the royal navy was regulated by the Board of Admiralty. Everybody who had any knowledge of the ships of the British fleet must be struck at their decided superiority over those employed in mercantile expeditions. This arose from the great care that was taken to suffer none but seaworthy vessels and competent persons to be employed in the former-mentioned service. He wished to see a Board established which should exercise a similar surveillance over the ships engaged in commerce, to see not only that they were properly constructed and fitted, and supplied with the stores and provisions necessary for the voyage about to be undertaken, but that no persons should be put in charge and command of them but those whose scientific and practical knowledge of navigation rendered them worthy of the task.

Sir *E. Codrington* seconded the motion.

Mr. *Roebuck* rose to order. The eighteenth clause of the Bill imposed a tax. He submitted, therefore, that the Bill, according to the standing orders, should have been preceded by a resolution in a Committee of the whole House.

The *Speaker* said, the usual course was to print such clauses in italics, but that was not the case in the present instance, and the objection of the hon. Member must therefore prevail.

Bill withdrawn.

COUNTY-RATES.] Mr. *Hume* moved the second reading of the County-rates Bill. He said, that in consequence of its having been intimated to him that there would be some opposition to the measure, he should explain the principle on which it was framed. The object of the Bill was to direct that a Board for the management of the County-rates should be elected by the rate-payers, instead of the control of their funds being left to the magistrates, as they were at present. At present, the rate-payers had no control whatever over the county expenditure, and they had not even a right to know how the money was expended. The Court of King's Bench, by a recent decision, declared, that the county rate-payers had no right to call for the particulars of the expenditure. He proposed, that there should for the future be a county board, composed of from twelve to fifteen members, and elected by the great body of the rate-payers, which should have the management and control of the county expenditure. They should also have the direction of the assessments and the regulations and repairs of the roads, the prisons, and the control over expenditure in the gaols. This Bill, then, would be placing the population of counties on the same footing as regarded the county expenditure as the population of the municipal boroughs. He was convinced that nothing could be more satisfactory to a community paying rates than knowing that they had a proper check and control over the expenditure. It was notorious that the County-rates had greatly increased within the last few years, in consequence of which, in some counties, a finance committee had been appointed to watch over and check the expenditure, and wherever such Committe had been established there had been a great reduction. If this committee were advantageous in some counties, it should be extended to all, and certainly it was desirable to have a uniform law and system a regarded the county expenditure. It had been suggested that the guardians of the poor should have the election of the county board, instead of the great body of the rate-payers. He did not agree in this suggestion, because he thought that the guardians of the poor had already enough to do, and he also thought that they should have nothing to do with the county expenditure. He, at the same time, felt bound to say, that if the House thought it desirable that the election of the county boards should rest on these bodies, an alteration to this effect might be made in the Committee. He considered that the improvement that would be effected by this Bill would be so important and extensive, that he regretted that the Government had not taken the matter up, and given their weight and influence to carry the measure into effect. All that he then asked was, if the principle of the measure were approved of, that he should be allowed to go into Committee, when any alterations might be proposed which hon. Gentlemen thought desirable, and he could assure them that he would give his mature attention to the consideration of them. It had been said, that one of the objects of this Bill was to create a rural police; but this was not the case, for all that it did was to give the board a check on the county expenditure, as well regarding the police as other matters. He concluded with moving the second reading of the Bill.

Mr. *Alston* complained that the hon. Member for Middlesex had put his (Mr. Alston's) name to the Bill, without any reference to him for his consent.

Mr. *Hume* begged to explain. The hon. Member had presented a petition from the county of Hertford in favour of the Bill, and he was given to understand that the hon. Member was a warm supporter of the Bill. So he had been informed by a Friend of the hon. Member; and the hon. Member not having been in the House when he moved for leave to bring in the Bill, he had named the hon. Member as one of those who was to bring it on. When the hon. Member presented the petition from the county of Hertford, he understood the hon. Member would be a strong supporter of the principle of the Bill; indeed the hon. Member had told him so himself.

Mr. *Alston:* It was quite true, that he was favourable to the principle of the Bill; but if the hon. Member had shown him the Bill, if he had seen the bulk of it, and the machinery requisite for working out its details, he should at once have declined to give it his support. The petition he had had the honour of presenting from the county of Hertford, was for the establishment of a better principle with regard to County-rates, and in so far he coincided in the principle of the Bill introduced by the hon. Member for Middlesex. He considered that the County-rates had hitherto been administered in a very culpable manner, and inasmuch, as representation ought to accompany taxation, he considered that the payers of the rates ought to possess some knowledge of their appropriation. This object might be effected by a county council or board, but he thought the present Bill so complicated, and calculated so much to increase the expenses of counties, that he was quite sure his constituents would not pray for its introduction into their county. In fact, he was sure that it would increase the expense ten times told, and would be the occasion of adding to the rates more than the Poor-law Act had diminished them. If this Bill should pass, of necessity the counties must be divided into wards; there must be a registration of voters, and lists of those entitled to vote. Indeed it was impossible to calculate the expense which would fall upon the county, as well as upon the high sheriff. Being of opinion that the clauses could not pass in a Committee, he was of opinion that the time of the House ought not to be wasted by allowing the Bill to pass to that stage. He never could consent to the proposition that these boards should have the power of appointing magistrates. The proposition was most offensive to the existing magistracy. What had the county magistrates done to deserve this treatment? If they were competent, by the law of the land, to act as judges, surely they had integrity enough to administer the affairs of the county. At the same time, he admitted that there ought to be a check, and that those who paid the rates ought to have control over their administration. So satisfied was he of the objectionable nature of the details of the Bill, that he felt it to be his duty to move that it be read a second time that day six months.

Mr. *Gally Knight* said, that the Bill introduced by the hon. Member for Middlesex, and of which he had now moved the second reading, went to cast a reflection upon the whole of the magistracy of England, and he regretted that the hon. Member had not confined its operation to the county of Middlesex, which he represented. He was free to confess, that the present state of things in the county of Middlesex could not be defended. The magistrates of that county had allowed large sums of money to be carried off by defaulters, and before the county had recovered from the difficulties thrown upon it from that cause, the magistrates had allowed other irregularities to creep in. He was of opinion that in Middlesex some preventive check was requisite; but what was requisite for a metropolitan county, formed no test of what was necessary and requisite for the rest of the counties of England.

Colonel *Wood* regretted that the hon. Member should have dragged the county of Middlesex and its affairs into this discussion. If the management of its pecuniary affairs were investigated by a Select Committee, he was confident that a report would be made acquitting the county of the charge brought against it. With respect to the general question before the House, he decidedly objected to this Bill. The board which it proposed to constitute would not only supersede the judicial authority of the magistrates, but would be, to all intents and purposes, a legislative body, a kind of county Parliament. He supposed that hon. Members opposite wished that these boards should transact all the private business which now came before Parliament, at least so he should infer from the evidence of the hon. Member for Middlesex before the commission appointed to inquire into this subject. That hon. Gentleman had declared, that if these boards were once established, he should recommend the withdrawal from Parliament of a great portion of the local business which now occupied so much of its time. He thought it most objectionable to give to such boards the control of all the private interests of the county. The board would consist of only one chamber, be it remembered, for he heard nothing of a county House of Lords. [*"Hear," and a laugh.*] The hon. Member opposite might laugh, but all who were concerned with the conduct of a private Bill knew well that it was in the House of Lords that their different interests would be most carefully attended to, and that the most impartial and unbiassed decision would be pronounced. He did not think that the proposed boards would be at all more careful of the interests of the county than the magistrates were at present. The County-rates, instead of being diminished, would be enormously augmented. The Bill, in short, would uproot the magistracy, and be a powerful engine in the hands of the hon. Member for Middlesex for overthrowing the ancient institutions of the country. He thought, however, that the disproportion between property and the amount of rates levied on it in counties was so great, that it was indispensable that some plan should be devised for relieving it of the burthen. The best method of effecting this, in his opinion, would be to provide for the construction of roads, bridges, gaols, and other public works and edifices, at the public expense. He should vote against the second reading of the Bill, and if he succeeded in his opposition, he should move for a Committee up stairs, and refer the subject of County-rates to that Committee, to inquire if any measure could be devised for relieving the rate-payers from the cost of roads, bridges, and county gaols, and he hoped the result of the inquiry would be a practical plan for their relief. He was quite sure that all other charges on the County-rates would be so trifling, that it would be considered unimportant and indifferent by whom they were levied or collected.

Sir *John Wrottesley* said, that there was a great deal of mismanagement under the present system, and that was a sufficient motive to induce him to vote for the second reading of the Bill. The hon. Member for Brecon must settle the details of the plan he proposed with the Chancellor of the Exchequer; and he rather thought, that whoever might be the individual filling that office, would not support the hon. Member in throwing the whole of these charges upon the Consolidated Fund. He did not approve of the mode of forming the county courts proposed by the hon. Member for Middlesex, but he cordially concurred in the principle of the measure. He was certainly opposed to the principle of having annual elections of the persons to form these county courts; and he should not recommend to the House to agree to the second reading of the Bill, if he were not prepared with a substitute, which he was convinced would act with great simplicity, and be most effective—namely, constituting the courts of a delegate from each union in the county. If he found that there was no other resource against the evils which at present prevailed, he should vote for the second reading of the present Bill, in the hope that, although the hon. Member for Middlesex was rather pertinacious, he would be prevailed upon to alter its details in the Committee.

Sir *Edward Knatchbull* regretted that the right hon. Secretary for the Home Department was absent when so important a measure as this was to be discussed. The Bill was an indictment against the magistrates of England, and he was surprised to hear the hon. Baronet who spoke last, say he would support it. There was no complaint against the County-rates in Kent. The hon. Baronet was much mistaken if he supposed the board of guardians would add to their other labours that of managing the County-rates. The magistrates of the county which he had the honour to represent were most anxious to reduce the rates as much as possible, and they had succeeded. He had no hesitation in saying, that the effect of this Bill would be to add 3,000*l.* or 4,000*l.* a-year to their amount. Any such measure was entirely unnecessary in the county of Kent. There the financial and judicial affairs of the county were under a different management, the financial being disposed of at a general sessions held annually; and here nothing of importance could be done without previous notice having been given, so that the rate-payers might be made fully aware of what was intended. The accounts were annually made public. All persons interested might inspect them, and all complaints were attended to and taken into consideration. This was the system they now had in the county of Kent, and they did not desire a better. He should oppose the Bill.

Lord *Ebrington*, though he did not agree with the details of the Bill, quite approved of the principle—that the people should elect those who imposed the rates. An infusion of rate-payers in the vestries had been productive of the best consequences, having produced an amendment in the distribution of the funds, and, in some instances, decreased the burthen one-half. He objected to the machinery by which it was proposed to carry the principle into effect, and he agreed with the hon. Member that it would be better to name a Committee to inquire into the subject.

Sir *Eardley Wilmot* thought that every provision of the Bill would lead to difficulty and expense, and, though not unfriendly to the Bill, he could not support it in its present shape.

Mr. *Roebuck* said, though some hon. Gentlemen were pleased to call the principle of the present Bill a new one, it was, in fact, in operation both in that House and in all the boroughs throughout the kingdom. The principle was, that taxation and representation should go together, and that those who expended taxes should be responsible to those who paid them. He considered the unpaid magistracy a nuisance to the country. [*Cries of* "*No,*" *and* "*Order.*"] Hon. Gentlemen might cry "No," but he said "Yes." The gaols of the country were crowded by poor miserable wretches who had been sent there by the magistracy. The unpaid magistracy, so far from being beneficial, was a curse to the country. There never could be a good magistracy which was not elected by the people. Hon. Gentlemen objected to the details of the measure, and among those to the patronage which it would create; but surely there was nothing objectionable in a patronage which merely amounted to the payment of necessary officers. Counties had their peculiar description of interests as well as towns; and as the principle had been affirmed—

that the affairs of towns should be governed by the inhabitants of towns, he could not understand why the affairs of counties were not to be governed by the inhabitants of counties; they were governed on the principle of representation in towns, and they ought to be governed on the same principle in counties. Those, therefore, who should vote against this measure would vote against representation, would vote against responsibility through representation to the persons taxed, and were enemies to real responsibility.

Mr. *Edward Buller* declared, that if any thing had been wanting to induce him to vote against the second reading of the Bill before the House, it would have been supplied by the speech which he had just heard. He protested against this Bill, or any Bill which, under pretence of regulating County-rates, would abolish the present system of county magistrates. If the Bill were to become law, it would be impossible for the magistrates to discharge their duties, and therefore he should oppose it. He had always held that justice should emanate from the Crown, and therefore he should vote against the measure.

Mr. *Byng* objected to every clause of the Bill, and therefore thought it would be more candid and explicit in him to vote at once against the second reading. He did not think that the magistracy of England deserved to be disgraced by such a Bill. He was satisfied with the magistrates of his own county, who, in conformity with the obligation imposed on them by an Act of Parliament passed fifteen years ago, published their accounts every three months, and sent them to the overseers of each parish. It was true that there had been an increase of the rates in the county, but he could account for every shilling. The increase was owing to the expenses of building the House of Correction, the Lunatic Asylum, and the Westminster Bridewell. The money for the erection of the first had been raised by a tontine, which would soon become extinct; the sums expended on the second had been raised in the ordinary way, and not only was the interest paid, but one-fourteenth of the capital paid off every year. Seven years had elapsed since the money had been borrowed, and in seven years more the Lunatic Asylum would have been paid for by the county. Of this asylum, too, he must remark, that the system adopted by the magistrates administering its affairs, was much more economical than that formerly followed by the overseers. The accounts were public, everybody might see them four times a-year; he had heard no complaint of improper expenditure, and he did not think that any could be substantiated. He therefore, notwithstanding his regard for his hon. Colleague, and his acknowledgment of the services rendered by him to the county, should vote against the second reading of the Bill.

Mr. *William Miles* hoped that hon. Gentlemen who had found fault with the details of the Bill, would not vote for the principle of it. He left it to the House to pronounce whether the unpaid magistracy of England deserved the reprobation bestowed on them by the hon. and learned Member for Bath. The principle of the Bill, as it appeared to him, had not been sufficiently explained. It should be considered whether any alteration at all was necessary, and, if any, what that alteration should be. It should be asked whether a radical reform was required? and whether, if it were wanted and this Bill adopted, there would be a more effectual control over, and a more certain diminution of, the expenses, combined with an equally secure guardianship of person and property? If the system did really give cause of complaint, it was strange that, notwithstanding the exertions of the hon. Member for Middlesex to promulgate his Bill both last year and this, the petitions on the subject were so few. The hon. Member had introduced his measure with four petitions from Marylebone. As a county Member, he must protest against a Member for Middlesex, backed by the vestry of Marylebone, dictating to the counties of England. If he had not seen in all magistrates and bodies of magistrates, a disposition to redress grievances—if he had not observed that every quarter session was marked by some magistrate rising to propose something beneficial, he might perhaps think and act otherwise. In his own county there was either a most complete apathy on the subject of expenditure, or there was a perfect satisfaction with the economy of the magistrates. The working of the system of Finance Committees had been most excellent. He could not see why the principle of the Municipal Reform Bill should be introduced into counties, or why this uncalled-for experiment should be forced on the rural population. That population looked on the magistrates rather as settlers of disputes, than as dispensers of justice; and it must be the obvious interest of those magistrates not to accumulate burthens on their own property and on their tenantry. He was rather surprised that the hon. and learned Member for Bath, who was a lawyer, should propound the doctrine that the magistrates should court the people. Magistrates to court the people, to whom they were to administer the law, and the criminal law to boot! He was not aware that the people were so capable of forming a dispassionate opinion, or so likely to be unbiassed as to justify this. He would ask the hon. Member for Middlesex, whether the Municipal Corporation Reform Bill was so very popular; whether the candour and ability of the magistrates elected under it were so unquestioned, that this uncalled-for experiment might be safely made in counties? It did seem strange to him, that no opinion on the subject-matter of the Bill had been expressed by the noble Lord, the Secretary of State for the Home Department; it seemed strange, because he thought this a subject which required a decided opinion from the noble Lord. A commission had been appointed to inquire into County-rates. Two Members of it he saw among hon. Gentlemen opposite. That commission had made a report; but the noble Lord had not defended his own commission; no, neither he, nor one Cabinet Minister was in the House to defend it. This, to him, appeared indicative of a determination to leave the question open, and to give way to the creation of an elective magistracy. He, and his Friends, would not object to a Bill founded on the report of the commission; no, they would support any measure for amending the practice of the present system, and he (Mr. Miles) could offer many suggestions for that purpose.

Mr. *Shaw Lefevre,* though he had been a member of the County-rate commission, did not consider it his province to bring in a Bill founded on the report of that commission. He thought that such a Bill ought to be introduced to the House with the full weight and authority of his Majesty's Government. He could not concur in the Bill of his hon. Friend, the Member for Middlesex; he thought it impossible to alter it with advantage in a Committee up stairs, and therefore he should vote against it. The proper description of the Bill would be found, as he thought, in the preamble to it. It was there stated, that "the levying, collecting, and expending of the County-rates, would be rendered more certain, speedy, economical, and secure, if, &c." Now, whatever he might think about economy, he felt convinced, that if the Bill were carried, the County-rates would be expended much more certainly, securely, and speedily. Let the House merely look to the number of officers who would be appointed, and have to be paid under the Bill; let it look at the cumbrous machinery of it, cumbrous as well as expensive; let it look at it, and reflect that there were seven counties in England, and twelve in Wales, which paid less than 6,000*l.* in County-rates; that there were eighteen counties in England, and twelve counties in Wales, in which the amount of County-rates did not exceed 10,000*l.* In all these the expense, under the proposed scheme, would be much greater than it was under the present system. In some particulars, they would have to pay 100 per cent. additional, and more. He could not concur in the observations on the magistracy of the county which had fallen from the hon. and learned Member for Bath: he knew it to be composed of men of all politics, all anxious to promote the happiness of the people. The hon. Member for Middlesex had gone for a precedent to a time beyond Edward 3rd. In order to find out institutions adapted to the spirit of the nineteenth century, that hon. Member had searched among the precedents of the fourteenth. He was only surprised that one step further back had not been taken by the hon. Member—that, as in the times of our Saxon ancestors, magistrates and bishops were elective, he (Mr. Hume) had not included bishops also in his Bill. The hon. and learned Member for Bath had said, that the magistracy of England was a nuisance; a portion of it might be so, but that portion was composed of the popularity-hunting magistrates. To the popularity-hunting magistrates half the abuses of the old system were to be attributed; 'twas they who, to increase their own fame, put their hands into the pockets of the rate-payers, and fostered the system of compulsory charity. He would never give his consent to making the magistrates elective; he would always maintain that the ministers of justice should be appointed by the Executive. While there were several counties to the financial management of which he had no objection to make, there were others in which due strictness had not been observed. He had, therefore, recommended, that a person should be appointed by the board of guardians to act with the magistrates at sessions; and he did not conceive that any exception would be taken to that recommendation. Several other propositions had also been made by the County-rate commission which would tend to lessen the rates. The hon. and gallant Officer (Colonel Wood) wished to throw the expenses of the administration of the criminal law on the Consolidated Fund; he was of opinion that the Government ought to undertake the charge of the gaols, but that the counties ought to bear the expenses of prosecution. This latter charge would be considerably reduced by the appointment of county recorders. He also thought, that the rate might be levied in a less costly manner. He was quite sure that if this Bill passed through the present stage, and was sent to a Committee up stairs, it would be so altered there that the hon. Member for Middlesex would take the same course as that pursued by the hon. Member for Hertfordshire, and disown the Bill.

Mr. *Lennard,* in supporting the Bill, begged it to be understood that he cast no reflections on the magistrates of England. But he supported it for the sake of the principle involved in it; namely, that where there was taxation there ought to be representation; that there ought to be popular control in every case where public money was expended. The evil of the present system was, that any number of gentlemen arbitrarily nominated by the Lord-Lieutenants of counties, had the power of raising money and spending it as they thought fit. This was a state of things which he thought most unsatisfactory and unconstitutional; and this power in the magistrates, whether it had been abused or not, was so objectionable in principle, that he thought it ought no longer to be retained. It had been said, that the object of the Bill was to introduce into counties the practice which now prevailed in boroughs. He believed that practice to be a very beneficial one, and he should be glad to see it extended to the whole country, since nothing was, in his opinion, more desirable than to accustom the people to the management of their own affairs, and to self-government. He would not say, that the large power now enjoyed by magistrates was an usurpation, for it had been conferred upon them by successive Acts of Parliament; but he was sure, if we had now to legislate upon the subject *de novo,* no one would think of conferring upon an irresponsible body, such as the magistrates of England were, the very large and unlimited powers they now enjoyed. He was sure that a board for the management of County-rates, such as that proposed by the hon. Member for Middlesex, would be satisfactory to the public, and would remove much distrust that now existed; and it was on that account he gave the Bill his support.

Mr. *Tulk* said, that so far as his observation went, no body of men could have acted more honourably than the magistrates of this country. He must say, that he had remarked, that gentlemen of all parties were eager to save and economise the funds which in their capacity as magistrates they had to administer. But when he said this, at the same time he must observe, that it was a matter of importance whether that control should be exercised subject to the superintendence of the rate-payers or not. The principle of the Bill, in his opinion, was so good, that he should vote for the second reading of it. He wished to see the election principle carried out as far as possible throughout the country. That principle had been carried into operation in the corporations of England and Scotland. Why, then, not apply it to counties? Till that was done, the rate-payers would not be satisfied that their interests would be attended to as they ought to be. He thought the hon. Member for Middlesex had not been fairly treated in this debate. Some hon. Gentlemen had either mistaken, or chose to mistake the principle of the Bill. They argued as if nomination for the choice of the Crown and election were one and the same thing. He wished, however, that his hon. Friend had not made this Bill so complicated, and if he would simplify the details, he was quite sure that he would carry it.

Mr. *James* had no intention of saying anything in disparagement of the magistrates of England; he had been a magistrate of the county of Cumberland for twenty years, and he was not going to cast any discredit on his own order. He was quite sure that if the magisterial office were taken out of the hands of the present magistracy, the rate-payers would be the worse for it, because, if the magistrates were like the magistrates of Cumberland and Middlesex, they had always done their duty. But he believed that if the election rested with the rate-payers they would recollect that, and therefore hon. Gentlemen need not be so sensitive on this point. The details of the Bill certainly might require consideration in Committee, but the principle of the Bill was a good one, and he should accordingly give his vote in favour of the second reading.

Mr. *Goulburn* said, that after the full discussion which this measure had received, he should not trespass upon the patience of the House with many observations. He could not help wishing, however, that this discussion had taken place in the presence of some Member of the Government; at least, of that Member of it in whose hands was placed the control and superintendence of the magistracy of the country, in order that it might be made known that the measure either had the support or the opposition of Ministers. He was aware, from disclosures which had been made on the preceding evening, that Wednesdays were dedicated by the Government to avocations not altogether disconnected with business, but yet partaking of a festive character. He did not wish to interfere with the relaxation of those, who, in the present situation of affairs, conducted the business of the country, and he had, therefore, waited till the present hour of the evening, in the hope that the noble Lord would make his appearance in the House, and, with increased alacrity and refreshed and reanimated by the grateful relaxation in which he had indulged, would be prepared to state the opinion of the Government on the measure. This was no ordinary measure, to be left to any Member to deal with as his fancy or caprice might dictate. The Government themselves had not so considered it. They appointed a commission to inquire into the subject two years ago, and they had transmitted the report of that commission and the present Bill to the different quarter sessions of each county, and required an answer to be sent to Lord John Russell at the Home-office, acknowledging the receipt of both. He held in his hand a copy thus addressed.

Mr. *Hume* begged to say, that it was quite true that he did request the Home-office to send copies of this Bill and of the report of the commission to the different quarter sessions; but he received an answer from the clerks of the office, that the Government did not choose to interfere in the matter, and he sent the copies himself as a private individual.

Mr. *Goulburn* observed, that with respect to one copy, then, the hon. Member had been too late in arresting the progress of his first arrangements; however, after the statement of the hon. Member, he would not press that point farther. He entirely concurred with the hon. Member for Hampshire, who said, that he did not see why he should be called upon to explain the reasons for the Report to which the Committee appointed by the Government had agreed. The Government ought to be called upon to state what were their views and intentions on this subject, and to enlighten the House by an exposition of the bearings of the measure. He therefore did expect, that if the noble Lord himself (Lord J. Russell) was prevented from attending, some Member of Government would have been in the House prepared to state the intentions of Government with respect to this measure. He saw the Under-Secretary for the Home Department present, and, therefore, there was yet hope. He indulged the confidence that the House might know from him before the debate closed, what were the views and opinions of the Government upon this measure. For his own part, he could not concur in the motion for the second reading of this Bill, because every Member who had approved of the principle, had stated his disapprobation of all its details. He could not help thinking that the hon. Gentlemen who approved of the principle, but disagreed with every one of the details of the Bill, would act more wisely and consistently by voting against the Bill, and leaving to the Government to bring in such a measure as they thought necessary. The hon. Member for Middlesex said, that the present was not a judicial question, but merely a financial one. Why, the hon. Gentleman could not have read his own Bill. By the provisions of this Bill, the sheriffs of the county were subjected to all the responsibility of the custody of the prisoners within the county, but the council were to determine who should be the gaolers, and what should be the regulations of the county prisons. The judges were to try the prisoners, but the constables were to be appointed by the council; when they were acting wrong, they were to be punished by the council; and if they did right, by the council they were to be rewarded. He would not go into the other provisions of this Bill. There were at least twenty other instances in which similar inconsistencies existed. He said, therefore, that this was not a financial measure, but one which would affect the administration of justice throughout the country, and therefore a measure which ought not lightly to be dealt with, nor merely on financial grounds. The hon. and learned Member for Bath had, in the course of that night's debate, given, as was his wont on similar occasions, his opinion on the magistracy of England. He (Mr. Goulburn) did not stand there to defend the magistracy of this country—it needed no defence from him. The observations of the hon. and learned Member, libellous as they were, were not a libel upon the magistracy, but upon the people of England. The hon. and learned Member had stated, that the people of England had no confidence in their magistrates; but he should like the hon. and learned Member to look round him at the present moment, and see who it was, and what they were, whom the people of England chose to represent their interests in the Commons House of Parliament. He would ask the hon. and learned Member, if the magistrates were so bad as he represented them—were such oppressors of the poor as he declared them to be, what would become of the judgment of the people? If what he stated was true, the people had neither judgment nor discernment. But he would take the contrary view of the case. In his opinion the people of England had both judgment and discernment, and it was found that, in the great majority of instances, they had elected the magistrates of the country to represent them in that House. The hon. and learned Member for Bath said, that taxation and representation ought to go to together; and because the County rates amounted to 600,000*l.* per year, the people ought to elect those who had to administer those funds. It was true that the magistrates had the administration of the funds thus collected; but they did not impose taxation on the rate-payers. That was the Act of Parliament, and the magistrates were merely the instruments of Parliament in the collection and administration of the impost levied for county purposes. Taxes, then, thus imposed were imposed by persons who were elected by the people. At the same time, he would at once state, that he had no desire to support the abstract principle of this measure, let alone its cumbrous machinery, and the expense which must be attendant upon its adoption. He had heard of shaving by steam, and of the application of locomotive engines for the purpose of cutting mustard and cress, but this Bill beat either of these projects, by proposing a complicated machinery to effect a simple purpose. As to cutting out every clause of the Bill to substitute others in their place, if he had no other objection to the measure, that would be quite enough to warrant his opposition to it, and he must say, that it appeared to him to be the simpler course to throw out the present Bill, and introduce another better calculated to effect the purpose which it professed to carry into execution. There was, however, one clause of this Bill—namely, that which made the magistracy elective, which must prevent his acceding to the measure, because he could not agree to it without acceding to a principle which must be subversive of the judicial character of a quarter session. These objections had been stated so fully, that it was not necessary to go further into them. After the length to which this debate had gone, he now would only say, that the machinery of the Bill was too cumbrous to execute the purpose of the hon. Gentleman, even if that purpose met with his (Mr. Goulburn's) approval; but he believed that the magistracy did faithfully administer the finances of the counties to which they belonged; and, inasmuch as they paid the greater portion of the rates themselves, they were not likely to apply the distribution of the funds under their control in a manner calculated to be injurious to their own interests; nor did he think they would neglect the interests of those who contributed a smaller portion to the County-rates. He never gave a more cordial vote than he should have the pleasure of giving, by dividing in resistance to the motion for the second reading of this Bill.

Mr. *Fox Maule* said, that nothing could be further from his imagination when he entered the House, than the supposition that he would be called on to address them on the present occasion, nor should he have deemed it necessary to do so, if the absence of his noble Friend had not been made the subject of observation. The right hon. Gentleman had stated, that the Home-office had caused copies of this Bill to be sent to the quarter sessions of the different counties; but all he could say was, that the right hon. Gentleman's assertion was the first intimation he had received of such a fact. He did not, however, believe that the Home-office had used any influence one way or the other on the subject; and, as the Government regarded the matter as a mere local measure, they declined to interfere, on the ground that, as the hon. Gentlemen on both sides of the House were magistrates, it would be best to leave them to decide it among themselves. It certainly appeared to him that the Bill related only to a financial arrangement, but, as he did not think himself called on to enter more at large into the subject, all he would say was, that it was his intention to vote for the motion of his hon. Friend (the Member for Middlesex), because the measure involved a principle of which he approved, namely, that all those who contributed to the rates should know how their funds were applied. While he said this, he must also state, that there were many parts of the Bill to which he should object; but, as to the absence of his noble Friend, he considered that that absence was justifiable, inasmuch, as this was not a question into which the weight of Government ought to be thrown. He regretted the observations which had been made by the hon. Member for Bath, and thought it always ought to be remembered, that nothing was more injudicious than remarks which tended to bring those in whose hands the administration of justice was placed, into contempt, especially in that House, inasmuch as such remarks were calculated to shake the confidence the people ought to have in the impartial administration of the law. He should vote for the second reading of this Bill, but he wished it to be understood, that he did so, without in any manner pledging himself as to its details.

Lord *Stanley* would not enter into the discussion of the merits of the Bill, although he had a strong opinion with regard to it, but he was satisfied, that one way or the other, the decision of the House upon that subject was one of the greatest importance, involving as it did the whole management of the civil economy of the country, and of its whole criminal and civil jurisdiction. This was the first time that it had been stated in the House of Commons, that it was either expedient or decent for his Majesty's Ministers calling themselves the Government of the country, to abstain from expressing, in their places as Ministers of the Crown, the views they took of the system pursued with regard to the magistracy of England. If any hon. Gentleman considered this measure unimportant he was quite at liberty to differ in opinion from him; but if this Bill was important, they would not deny that the Home Secretary ought to have been in his place. If the measure were unimportant, why was a commission issued? why had circulars been sent round? why had the hon. Member for Hampshire and other Members of the commission been called to express their views upon the question? The Government ought to have taken the initiative, or, if they did not think proper to take the initiative, at all events they were bound to take on themselves the responsibility of sanctioning or opposing the Bill. The noble Lord at the head of the Home Department was not present, although the question was one which affected the judicial character of the magistracy; the hon. Gentleman who was Under-Secretary for that department, had stated, indeed, that it was purely a financial question. Where, then, was the Chancellor of the Exchequer? Was it a question of great, prominent, political importance or not? and if so, why were the Members of the Government not present? At any rate why was not a representative of the Home-office present? What was the duty of the Home-office? Was it not a part of its duties to regulate and control the magistracy, and to take care that the magistrates discharge their duties? Was it not a part of the duties of the Home-office to check the magistrates when wrong, and to encourage them when right; and when it was ascertained that they had discharged their duties, to defend them before the country? The Home Secretary was not there, but the Under-Secretary for that department was. Was the House to collect from the Under Secretary's observations that the Government thought that this was a question which might be left to be settled by the county magistrates who were Members of that House? Why, they were the accused parties—the men who were on their trial. Nobody disputed the weight which the county magistrates had in that House—a weight which they rightly possessed on account of the authority and influence which their conduct had obtained for them; but the present question was not one which ought to be left to the decision of the magistrates themselves. A charge was brought against the magistrates, and the Government ought to declare whether that charge was made with their sanction and authority. They ought not to wait till the rejection of the Bill, and then say, "We had our own opinion upon the merits of the measure, but we left it to be decided by the county magistrates, and you cannot wonder at the result." The Under-Secretary for the Home Department, however, was in the House, and, cautiously guarding his revelations as far as the Government was concerned, he stated, though with some hesitation, that his own opinion was in favour of the principle of the Bill. There were no means of thanking him for not going further. There was hardly any Member who had that night approved of the principle of the Bill who did not say, that it was impossible to carry its details into execution. Now, he (Lord Stanley) objected to the principle of the Bill, because he considered that the magistrates of England had discharged their duty to the country. In his conscience he believed that the Bill, if accepted in principle, would cast a slur on the magistracy. That slur would undoubtedly come with greater force, if the presence of the Government showed that they were parties to it. It was true, that the vindication of the magistracy would hardly lose much by their absence on this occasion. But, involving as this question did, the whole social and internal administration of justice, he could not give his consent to the second reading of this Bill, in as much as he conceived that by doing so, he should be casting an imputation upon a body of men, against whom no man could substantiate a charge of impure or improper motives, and whose services were not only the most important, but the worst paid of any class of men in the country.

Major *Beauclerk* hardly considered it decent to bring a charge against any individuals without knowing what reasons there were for their absence. The stronger the language used, the more cautious ought hon. or noble Members to be how they attacked parties without knowing why they were absent. He did not stand there to say anything against the magistracy; that body was composed of men of the most noble and honourable character. He happened to be one himself—one of the magistracy, not one claiming a noble character. Those hon. Gentlemen who understood the meaning of plain English, would bear him out in that assertion. He had heard with great surprise the statement of the hon. Member opposite, that the magistracy, as now appointed, gave satisfaction to the people of England. To the aristocracy they might give satisfaction; but the middling classes of the people by no means felt that satisfaction in the manner of their appointment, selection, and conduct, which some hon. Gentlemen had so loudly asserted. He would tell them how the dissatisfaction of the people with the magistracy arose: they were too busy in using their influence and authority to forward electioneering purposes. As a proof of it, he would call the attention of the House to the conduct of the magistracy of the county of Surrey, who had joined and linked themselves together to turn him out of the seat which he then had the honour to occupy. He was certain that they did every thing in their power to produce that result; but, unfortunately for themselves, their exertions were a failure. If the people had any voice in the election of their magistrates, he was certain that they would return few of the magistracy who had combined together to refuse them their due share in the representation. He did not agree with many parts of the attack which the hon. Member for Bath had made upon the county magistracy; but still he must say, that the dissatisfaction which they excited among the middling classes, would not be so general if they were not so peculiarly of one character. It was a notorious fact, that the Lord-Lieutenants of counties, who were principally Tories, appointed no gentlemen to the magistracy save those who professed the same politics with themselves. He repeated that such was the fact. It was very true that the same thing was done by Whig Lord-Lieutenants, whenever they had the opportunity; and it was a practice which was as blameable in them as in their political antagonists. He was quite sure that no man would venture to assert, that he could not point out a certain county in which the Lord-Lieutenant had steadily adhered to his determination of never making a Reformer a magistrate.

Mr. *Ewart* rose amidst cries of "Oh, oh!" and "Question!" The hon. Gentlemen opposite might continue their cries as long as they pleased, but he was determined that they should not put him down by their clamour. As the hon. Gentlemen opposite were beginning to behave with that decorum which was necessary to qualify them for their duties as representatives of the people, he would proceed to express his opinions briefly upon this Bill. He had many times had occasion to acknowledge the kindness and courtesy of the noble Lord opposite, with whom he had once had ties which he could not easily forget. He was paying a compliment, a sincere compliment, to the courtesy of the noble Lord, and he was therefore not a little surprised at the want of courtesy, and he might even say the bitterness, with which the noble Lord had commented on the absence of his noble Friend at the head of the Home Department. He was not there as a defender of the Government, but if comments were to be made on the absence of the Home Secretary that evening, he might be permitted to regret the absence of the right hon. Baronet, the Member for Tamworth, who had been Home Secretary for many years, and of the right hon. Baronet, the Member for Cumberland, both of whom had formerly expressed great interest on this subject. If the noble Lord was justified in making his attack on the Ministerial side of the House, surely he was justified in reciprocating the attack. He contended, that the long and bitter philippic which the noble Lord had delivered against his noble Friend, was not in any way connected with the question before the House. That question was, whether the principle of popular government, which the House had sanctioned in the Bill for the administration of municipal bodies, was to be extended to the county magistracy, and out of that question arose another—whether the conduct of that magistracy was as pure and unimpeachable as it had been that night represented to be. For his own part, he must say, that he had seen enough of the magistracy to be convinced that their conduct in the administration of justice was not that which it ought to be. He thought that the people should enjoy the benefit of the principle of representation in the choice of their county magistrates, as fully as they did in the choice of their corporate magistrates in towns and cities. He was convinced, that though the principle might not meet the approbation of that House, it would meet the approbation of the country, and he was likely convinced that some other House of Commons would pass a Bill founded upon it before many years were over, even though the present House should determine to reject the measure of his hon. Friend, the Member for Middlesex.

Mr. *Brotherton* hoped that the House would listen to him on the present occasion with the same pleasure with which they generally listened to him when he rose to speak last. He should not have risen had he not been anxious to correct a statement made by a right hon. Gentleman opposite, respecting the amount of expense incurred in the county of Lancaster for county bridges or county police. It appeared from a Parliamentary Return, made last year, that for the four preceding years an expense of 24,000*l.* was incurred in Lancashire under that head. The average expenditure of each of those four years was, therefore, 6,000*l.*; but during the last year it had only been 3,000*l.* Though the Bill was unpopular in the House, and though he could himself have wished for more simple machinery to carry it into effect, he should most cheerfully give it his support.

Mr. *Benett* declared his intention to oppose this Bill. He defended the magistracy from the attacks which had been made upon them that evening, and called the attention of the House to the fact that not one single proof had been adduced in justification of those attacks. He was certain that the people were quite content with their present control over the magistracy.

Mr. *Villiers* was decidedly in favour of this Bill, which instead of being an innovation, was only a restoration of the ancient practice of the constitution. He denied that the people had at present any control over the county magistracy. The only check on the county magistracy was derived from the publicity of their proceedings; for everybody knew that the check upon them in the courts of law were merely nominal. He asserted, upon the authority of his hon. Friend the Member for North Warwickshire, who had the experience of fifteen years as chairman at the quarter sessions for that county, that the county magistracy were unfit for the administration of justice.

Sir *Eardley Wilmot* intimated to the hon. Member that he had never made any such declaration.

Mr. *Villiers* was under the impression, that on a former occasion his hon. Friend had made such a declaration. In a conversation which occurred during the present Session on this Bill his hon. Friend stated that in his opinion he did not go far enough and that something more was wanted, for whenever he (Sir E. Wilmot) wanted the county magistrates to assist him in a case of criminal justice, they regularly shrunk from the responsibility.

Sir *Eardley Wilmot*: The hon. Member is making a personal attack on me, and therefore I beg leave to say that I never—

The *Speaker* called the hon. Baronet to order, and informed him that the time for his explanation would be after the hon. Member had concluded his observations. Though the practice of interrupting hon. Members in the course of their speeches had prevailed very much of late years, it was decidedly irregular, and he thought it would tend much to the order of their debates if hon. Members would revert to the old system of hearing speeches to an end, and then explaining or replying to the statements contained in them.

Mr. *Villiers* said, that he had not the slightest intention of making any personal attack on his hon. friend the Member for North Warwickshire. But it had been said that evening, that the conduct of the magistracy gave general satisfaction; and, as he differed from that statement, he thought that he had a right not only to mention his own experience on the point, but also to quote, as a supporter of the Bill, the authority of his hon. friend the Member for North Warwickshire, who had unquestionably said, that whenever a question arose upon the administration of the county finances, then a crowd of magistrates were always present to discuss it; but that he could get none of them to assist him whenever an important case connected with the criminal justice of the country came before him. He contended, that it was coeval with the constitution that taxation and representation should go together; and he was surprised to find the noble Member of North Lancashire opposing that principle, which was incorporated in this Bill, merely because he thought that the passing of it might be construed into a slur upon the magistracy.

Sir *Eardley Wilmot* felt himself called upon to explain the observations which had fallen from him on a former occasion, in consequence of what had just been said by his hon. Friend. He certainly had made use of the expression that this Bill, if it were to be made law, would not go far enough. He had said that this Bill, if pressed to its full extent, would destroy the judicial power of the magistracy. He repeated, the same opinion now. If the Bill passed, no magistrate could act in a judicial capacity. An hon. Member had said in the course of the evening, that he would resign his commission of the peace if the Bill passed. He (Sir E. Wilmot) said so too. As to the other part of the observations which he was represented to have made—he meant that part of them which accused the magistrates of not being present at criminal trials—he had only to observe, that he never had said, and that he never could say, that they were absent because they shrunk from the responsibilities of their station. What he had said was this—that on the first day of the session the financial, and on the second day the judicial, business of his county was taken. On the first day they had a voice in the management of the business, and therefore they attended as they had something to do, whilst on the second day the chairman conducted the business, and they failed to attend, because they had nothing to do.

Lord *Worsley* said, he was not at all surprised that this Bill had been introduced, as he had heard very general complaints during the last four years that the County-rates had not been properly applied.

Mr. *Edward J. Stanley* said, that he should vote for the second reading of this Bill, as he concurred in the principle of it, that there should be some species of representation of the rate-payers in the body which imposed no small amount of taxation upon them. He was surprised at the opposition which the noble Member for North Lancashire had given to this measure, for that noble Lord, in the Bill which he had introduced for the regulation of grand juries in Ireland—bodies which in that country stood in the place, and executed several of the functions, of the county magistracy of England—had admitted the principle of having a number of assessors chosen by the rate-payers associated with the grand juries in levying the county-cess. He therefore called upon the noble Lord to admit in England the principle which he had sanctioned in Ireland—a country to which he was sorry to say that the noble Lord was reluctant to give any species of popular representation. He thought, that the people of England might claim from that noble Lord, as a right, to have granted to them that species of representation which, with all his prejudices against Ireland, he had felt himself unable to withhold from the people of Ireland. He maintained that the people of England had a right to have a vote in the election of the body which imposed taxation upon them. Indeed, the magistrates of England were the only irresponsible body which had power to impose and levy taxes upon the country. He was simply stating his reasons for voting for the principle of the Bill. He would not trouble the House further—he would give his vote for the principle of giving the people some representation in their local taxation; but while he said this, he must also say that he differed, in almost every point of detail, from the measure of the hon. Member for Middlesex. In voting for the second reading, he protested against being considered as pledged to more than the advocacy of the principles, and he owned he was surprised at the hon. Member for Hertfordshire moving an amendment to put off this Bill for six months, while, at the same time, he admitted the principle that taxation and representation should go hand in hand.

Mr. *Hume* said, it was singular that so many hon. Members should admit the principle of his Bill, and object to the details, without, in any one instance, specifying which of the details they objected to. He was rather surprised at his hon. Friend, the Member for Cheshire, being in any degree astonished at the inconsistency of the noble Lord, the Member for North Lancashire, in conceding this principle to Ireland when he refused it to England. The conduct of that noble Lord was one altogether of inconsistency. While the noble Lord sat on that (the Ministerial) side of the House, and, as it were, spell-bound by liberal opinions, he had given utterance to opinions as liberal as the most liberal could desire; but when he changed his seat to the other side of the House, his sentiments were as Tory-like as the bitterest Tory could wish. Hon. Members had accused him of drawing an indictment against the magistrates of the country, but the gentlemen who were considered to be thus accused did not act as gentlemen usually did by sitting as judges in their own cause. If they considered themselves accused, he called upon them to leave the House. It was altogether unfair that they should judge in a cause in which they were concerned. All he wanted was this—let the magistrates riot as much as they pleased in their judicial power, but let them not put their hands into the pockets of the people. After the hon. Members who had spoken against the Bill, and had therefore misstated its objects and intentions, let them allow it to go to a Committee, and he should be prepared to defend every one of its clauses, and to show that its machinery would not involve one-fourth of the expense now incurred in any one county. In the face of the Commons of England, he would say to the magistrates, "You who think yourselves arraigned — you who think this an indictment drawn against you—rise and leave the House."

The House divided:—Ayes 84; Noes 177: Majority 93.

List of the AYES.

Attwood, T.
Ball, N.
Bannerman, Alex.
Baring, F. P.
Beauclerk, Major
Bernal, R.
Bewes, T.
Blake, M. J.
Brady, Denis, C.
Bridgman, H.
Brocklehurst, J.
Brotherton, J.
Buller, Charles
Buller, E.
Bulwer, H. L.
Bulwer, Edw. L.
Chalmers, P.
Clay, William
Codrington, Sir E.
Crawford, W. S.
Crompton, Samuel
Dalmeny, Lord
Dundas, hon. J. C.
Ebrington, Viscount
Elphinstone, H.
Fergusson, R. C.
Grattan, Henry
Grote, George
Hall, Benjamin
Handley, H.
Hawes, B.
Hay, Sir A. L.
Heathcoate, J.
Hector, C. J.
Hindley, C.
Holland, Edward
Hume, J.
Hutt, Wm.
James, W.
Lambton, Hedworth
Leader, J. T.
Lennard, T. B.
Lushington, Dr.
Lushington, C.
Lynch, A. H.
Marjoribanks, S.
Marshall, Wm.
Marsland, Henry
Maule, hon. F.
Murray, rt. hon. J.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, Morgan
Ord, W. H.
Palmer, General
Parker, John
Parrott, Jasper
Pease, J.
Pechell, Captain R.
Potter, Richard
Rippon, Cuthbert
Roebuck, John A.
Rundell, J.
Russell, Lord Charles
Seale, Colonel
Smith, R. V.
Stanley, Edward J.
Strickland, Sir G.
Thompson, Colonel
Trelawney, Sir W.
Troubridge, Sir T.
Tulk, C. A.
Turner, W.
Walker, R.
Wallace, Robert
Warburton, H.
Ward, Henry George
Wason, R.
Whalley, Sir S.
Williams, W.
Williams, W. A.
Winnington, H. J.
Wrottesley, Sir J., Bt.

TELLERS.

Ewart, W.
Villiers, C. P.

List of the NOES.

Alford, Viscount
Alsager, Captain
Arbuthnot, hon. H.
Ashley, hon. H.
Astley, Sir Jacob
Bagot, hon. W.
Bailey, J.
Baillie, H. D.
Balfour, T.
Barclay, David
Baring, H. Bingham
Baring, W. B.
Barneby, John
Beckett, Sir J.
Bell, M.
Benett, J.
Berkeley, hon. C. C.
Bethell, Richard
Blackburne, John I.
Blackstone, W. S.
Boldero, Capt. H. G.
Bolling, Wm.
Borthwick, Peter
Bowles, G. R.
Bradshaw, James
Bramston, T. W.
Bruce, C. L. C.
Buller, Sir J. B. Yarde
Burrell, Sir C. M.
Byng, George

Campbell, Sir H.
Canning, rt. hon. Sir S.
Cavendish, hon. G. H.
Cayley, E. S.
Chandos, Marquess
Chaplin, Colonel
Chetwynd, Captain
Chichester, A.
Clive, Viscount
Clive, hon. R. H.
Codrington, C. W.
Colborne, N. W. R.
Cole, Viscount
Compton, H. C.
Cooper, E.
Corry, H.
Cowper, hon. W. F.
Cripps, J.
Darlington, Earl of
Dillwyn, L. W.
Eastnor, Viscount
Eaton, Richard J.
Egerton, Sir P.
Egerton, Lord Fran.
Elley, Sir. J.
Elwes, J.
Estcourt, T. G.
Estcourt, T. H.
Fector, J. M.
Ferguson, G.
Finch, George
Fleming, John
Folkes, Sir W.
Follett, Sir W.
Forbes, Wm.
Freemantle, Sir T. W.
Gaskell, J. Milnes
Geary, Sir Wm.
Gladstone, T.
Gladstone, Wm. E.
Gordon, hon. W.
Goring, H. D.
Goulburn, H.
Goulburn, Serjeant
Greene, T.
Grimston, Viscount
Grimston, hon. E. H.
Hale, Robert B.
Halford, H.
Harcourt, G. S.
Harcourt, G.
Harland, Wm. C.
Hawkes, T.
Hayes, Sir Edm. Sam.
Henniker, Lord
Herbert, hon. Sidney
Herries, rt. hon. J. C.
Hinde, J. H.
Hope, Henry T.
Hotham, Lord
Howard, P. H.
Hughes, Hughes
Inglis, Sir R. H.
Irton, Samuel
Jermyn, Earl
Johnston, Andrew
Johnstone, Sir J.
Jones, Theobald
Kerrison, Sir Edward
Knatchbull, Sir E.
Knight, H. G.
Knightley, Sir C.
Lees, J. F.
Lefevre, Charles S.
Lemon, Sir C.
Lennox, Lord G.
Lennox, Lord Arthur
Lowther, J. H.
Lygon, Hn. Gen.
Manners, Lord C.
Maunsell, T. P.
Miles, William
Mordaunt, Sir J.
Morgan, Chas. M. R.
Mostyn, E.
Neeld, J.
Neeld, John
Nicholl, Dr.
Norreys, Lord
Packe, C. W.
Palmer, Robert
Palmer, George
Parker, M.
Parry, Sir L. P.
Patten, J. Wilson
Pemberton, Thomas
Pigot, Robert
Polhill, Frederick
Powell, Colonel
Praed, W. M.
Price, S. C.
Rae, Sir Wm.
Reid, Sir J. R.
Richards, R.
Rickford, W.
Ross, Charles
Ryle, John
Sandon, Lord Visct.
Sanford, E. A.
Scott, Sir E. D.
Scott, Lord J.
Sheppard, T.
Sibthorp, Col.
Sinclair, Sir G.
Smith, A.
Somerset, Lord G.
Stanley, E.
Stanley, Lord
Stewart, John
Sturt, Henry Chas.
Talfourd, Serjeant
Thomas, Colonel
Thompson, Ald.
Trevor, hon. A.
Twiss, H.
Tyrrell, Sir J.
Vere, Sir C. B.
Vesey, hon. T.
Vivian, John Ennis
Vyvyan, Sir R.
Walpole, Lord
Walter, John
West, J. B.
Weyland, Major
Wigney, L. N.
Wilbraham, B.
Williams, Robert
Williamson, Sir H.
Wilson, Henry
Wodehouse, E.
Wood, Colonel
Worsley, Lord
Wrightson, W. Battie
Wyndham, Wadham
Yorke, E. T.
Young, G. F.
Young, Sir W.

TELLERS.

Wilton, Rowland
Wilmot, Sir J. E.

COURT OF SESSION (SCOTLAND).] The Lord Advocate moved, that the House should go into Committee on the Court of Session (Scotland) Bill,

Mr. *A. Trevor:* After the unjust course which the House had taken, in not allowing the hon. Member for Coventry to proceed with his measure, should divide the House on the question of adjournment.

The *Lord Advocate* observed, that he was not aware that it was intended to oppose this Bill, or that there would be any discussion upon it in Committee; and the rule the House had acted upon was, that where no opposition was intimated, the business of the House was allowed to proceed.

House in Committee.

Sir *William Rae* asked, and he would have put the question to the Secretary of State had he been present, whether the vacancy occasioned by the death of Mr. Rolland, one of the principal clerks of Session, had been filled up.

The *Lord Advocate* said, that the vacancy had been filled up, and that in the commission to the person appointed, there was a Clause that he should perform any additional duties that might be imposed upon him by the Legislature or Secretary of State. That this enabled him, in a subsequent Clause, which he would move, to annex additional duties to the junior principal clerk, which he could not do in the case of those clerks who had been selected, and received their appointments without reference to any such additional duties.

Sir *George Clerk* asked, whether one of the jury clerks was not fit to perform the duties of the office; and as they were to be reduced by the Bill, a saving would have arisen from that appointment, and the reductions proposed would sooner take effect.

Mr. *Arthur Trevor* said, that as hon. Members were going into the discussion of the measure, he would move that the Chairman do report progress, and ask leave to sit again.

Mr. *Cumming Bruce* said, that he had before requested his hon. Friend not to stop the progress of the Bill; but now that he found it was discussed contrary to the understanding, and when he also found that the appointment already named was given to the late editor of the *Edinburgh Review*, thus passing over others who had been removed from office on retired salaries, he would not object to his hon. Friend persisting in his Motion to report progress.

The *Lord Advocate* stated, in reply to the observations, that the most serious objections which had been urged by the Judges and the heads of the Committee to whom the working of the Bill must be intrusted, was, that it had reduced the establishment of clerks a great deal too low. Two principal and two deputy clerks were reduced, and eventually, on the death of the jury clerks, their situations were not to be filled up. The jury clerks had, therefore, been retained, that no inconvenience might be felt from the immediate operation of the Bill, so far as regarded jury cases, and he proceeded on the ground that, before the country would be deprived of the services of those persons who had been selected with a view to jury trial, the other clerks would have an opportunity of making themselves fully acquainted with those duties. The eighth Clause of the Bill provided for that case. He had carried reduction, as far as was safe or practicable in this and every other provision of the Bill, consistently with due regard to the convenience and advantage of the suitors and the administration of justice, and he could not have carried it so far as he had done, against the remonstrances he had received from the person entitled to the greatest deference, if he had not retained all the jury clerks for the performance of their duties. He did anticipate, that from the business being simplified and fully understood, the provisions of the Bill might take effect in the event of any of the present jury clerks being hereafter, by death or otherwise, unable to execute their duties; but, in the meantime, he considered it important for the success of this measure of retrenchment, that the jury clerks should continue to perform the duties in which they were trained, and that the prospective reductions should be provided for.

Sir *George Clerk* said, that his objection was, that in a Bill which went to consolidate offices, this new appointment should have been made instead of making a selection from the officers who had held appointments in the Court, and who were now on retired salaries.

House resumed; the Committee to sit again.

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HOUSE OF LORDS,

Thursday, April 13, 1837.

MINUTES.] Petitions presented. By Lords ROLLE, REDESDALE, ASHBURTON, the Bishop of LONDON, the Duke of WELLINGTON, and other Noble LORDS, from the Isle of Thanet, Sarum, Sittingbourne, and other places, against, and by Viscount MELBOURNE, Lords HATHERTON, BROUGHAM, and other Noble LORDS, from Haddington, and various other places, for, the Abolition of Church-rates.—By Lord SKELMERSDALE, from the Medical Profession of Bolton-le-Moor, for an Alteration of Poor-laws Amendment Act, with respect to the Remuneration to Medical Men.

The Earl of *Shaftesbury*, in the absence of the Lord Chancellor, took the Woolsack at a quarter before five o'clock.

Mr. Bernal, and others from the Commons, brought up the Municipal Corporations (Ireland) Bill, the Mutiny Bill, the Marine Mutiny Bill, the Penitentiary (Millbank) Bill, and the Edinburgh Police Bill.

Mr. *G. F. Young*, and others, from the Commons, brought up a message, requesting their Lordships to permit Lord Ellenborough and Lord Glenelg to be examined before a Select Committee of the House of Commons, appointed to inquire into the claims for compensation of Captains Glasspoole, Newall, and Barrow, late in the East India Company's maritime service.

On the motion of the Earl of Shaftesbury, leave was subsequently given.

Soon after five o'clock the Lord Chancellor took the Woolsack.

WANT OF CHURCHES (IRELAND).] The Earl of *Ripon* presented a petition from the Bishop of Down and Connor, and 105 clergymen of that diocese, complaining of the great deficiency of church accommodation in that part of Ireland. The petitioners stated that there were 105 parishes, which afforded the most inadequate accommodation for the poor that could be imagined; and they further set forth, that in order to supply proper accommodation, it would be necessary that fifty-one churches should be repaired, enlarged, or built. They had applied to the Ecclesiastical Commissioners for assistance under the Act of Parliament, but the answer was, that they had no means of affording it. The parties who made this application had volunteered to contribute ously imposed upon by the promoters of Stephenson's line, and praying the House to appoint a Select Committee to inquire into the conduct of these parties.

Mr. *Curteis* rose to call the attention of the House to a petition which he presented two or three days ago, and which had been printed with the votes. Its prayer was, that the House would be pleased to institute an inquiry, by means of a Select Committee, into the evidence given before the sub-committee relative to Stephenson's line. Mr. Mills had stated to him that morning, that there were, to his knowledge, no less than thirty-seven material alterations between the plans left with the clerk of the peace for the county of Surrey, and those deposited in the private bill office; and, moreover, he had stated that the petitioners, whose petition, the hon. Member for Finsbury (Mr. T. Duncombe), had just presented, were prepared to prove 131 variations between these plans. Under these circumstances, he did say, that this was a fit case for inquiry; and he begged to state, that in the course he was taking, he was by no means actuated by a desire to stop the progress of Stephenson's line before the Committee. He was wholly uninterested in these railways; and, as he had said the other day, he brought this matter forward distinctly as a breach of the privileges of the House, for he did deem it a very grave Parliamentary offence for agents to come before Committees of that House, and state what was untrue. If the allegations contained in these petitions were proved, he should not think that the parties received more than their due, if they were confined to Newgate for the rest of the Session. This, it might be well to observe, was by no means the same case to which he had called the attention of the House on a former day—it was a case where, as he fully believed, false evidence had been given before the sub-committee; and having the strongest assurances from an engineer, that it was practicable to prove 131 instances of this false evidence, he felt it his duty to call the attention of the House to the subject. So little was he interested in, or acquainted with, the case, that he did not even know who were the parties concerned, and he only wished for a Committee to inquire into the case, which could be fully sifted in an hour or two. He moved that a Select Committee be appointed to inquire into the matters charged in this petition, and report their opinion thereon to the House.

Sir *G. Strickland* thought, that if the allegations of the petitions were true, it would be quite impossible for the House to pass them over in silence, because he had a very strong feeling of the great injury which parties occasionally suffered from the loose mode of conducting business in the Committees of that House. The conduct attributed to these agents would, before a court of justice, take the name of perjury; but, as the House did not examine on oath, it only amounted to a breach of veracity. He thought the House, nevertheless, were bound to institute an inquiry, and he should vote for the motion.

Sir *E. Knatchbull* opposed it. He could not but think that the object of this proceeding was to get quit of Stephenson's line, and so give the preference to Mr. Rennie's.

Mr. *T. Duncombe* said, that with respect to the objection that this motion was intended to raise obstacles in the way of Stephenson's line, he, for one, saw no reason why, if these allegations were proved to be true, the further progress of that line should not be obstructed. In that case, who would deny that the Bill ought to be thrown out? Not one individual connected with Stephenson's line, not a single hon. Member, had come forward to contradict these allegations. If (as had been objected) Mr. Mills had not himself been damnified or injured by the conduct of the agents, a very great injury had been done to those parties whose petition he had that day presented—the chairman and other members of the provisional Committee of a company for constructing a railway from London to Brighton. He thought the House, consistently with what was due to their own dignity and character, could not refuse their assent to the motion of his hon. Friend.

Mr. *Green* begged to suggest, that the only point for the consideration of the Committee was, not the whole subject matter of the petition (for it was obvious, that they ought not to go into a great deal relating to Mills's line, and to his mistakes respecting the standing orders, which formed part of the statements of the petition), but whether any parties had deceived the sub-Committee by their statements before it, and who those parties were.

Lord *George Lennox* would answer the

statement of the hon. Member for Finsbury (Mr. T. Duncombe), that no one had come forward to deny the allegations of the petitioners, by saying that no charge had been made. If they would give him any specific charge, he would answer it. As to speaking of 131 variations, it was but another mode of mystifying the inquiry. If the hon. Member (Mr. Curteis) would defer his motion till the Committee now sitting on the Brighton Railway Bills, should have made its report, then he would second the hon. Member's motion for a Select Committee of Inquiry; but at present he trusted the House would not, by appointing a Committee, prejudice either one line or the other.

The *Speaker:* This is a case in which the House ought to be very cautious. The inquiry ought to be limited strictly to investigating whether false evidence has been given. It is to be considered that even this inquiry in this stage of the proceedings on the Bill, may involve the House in difficulty. Will the House allow a Bill to proceed, if it shall be found that false evidence has been given? Will it stop the Bill when the parties complaining, not only might, but ought to have brought the question forward, at a time when the matter could have been investigated, without involving the House in those difficulties? The House, therefore, ought to have a very strong case made out before it consents to enter upon such an inquiry, and which must be productive of so much difficulty and embarrassment.

Mr. *Curteis* having (by leave) withdrawn the first motion, begged to move, that a Select Committee be appointed to inquire whether any false evidence had been given before the Sub-Committee, with reference to the observance of the standing orders, by the agents of Stephenson's line.

Lord *Stanley* said, with respect to any arrangements that promoters of rival lines of railways might enter into, to refrain from pressing objections, on the score of observance of the standing orders, he thought they were the last things which that House ought to sanction, or even to allow. The question was one of a gross breach of privilege; and the House was called upon to inquire whether or not the parties now actually before the Committee had obtained certain advantages by means of false statements made before the Sub-Committee respecting the standing orders. He thought they ought not to interfere with the progress of the Bill. The Committee ought to be limited to inquire whether wilful fraud had been committed by the parties connected with Stephenson's line; and then, if they reported, that fraud had been used, it would be for the House to consider whether sufficient ground was laid, not for a Committee, but for the House to interfere further in the matter. He would not object to the appointment of a Select Committee, to inquire whether a wilful breach of privilege had been committed.

Mr. Greene moved an amendment, that the further debate on this question be deferred until Monday.

Mr. *T. Duncombe* observed, that the discussion had originally stood for Tuesday, and had been postponed to meet the wishes of the promoters of Stephenson's line.

The House divided on the motion:—Ayes 73; Noes 51: Majority 22.

Debate adjourned.

Penny Stamp on Newspapers.] Mr. *Roebuck* rose, in pursuance of his notice, to move for the appointment of a Select Committee, to take into consideration the expediency of abolishing the penny stamp on newspapers. He placed his proposition on the single ground, and on no other ground whatever, that it was desirable to remove every obstruction to the education of the people. It was the duty of that House so to frame their proceedings as to give every facility to the attainment of that object. The existence of the penny stamp on newspapers was unfavourable to that object. Whoever had recently attended to the concerns of this country, and the world, must be aware, that the people took a greater interest in political matters at the present, than they had taken at any former period. As a larger mass of people were thus submitted to the influence of education, it was the duty of every Government deserving the name of Government, to do all they could so to fashion the measures of the Legislature as to give the community the amplest means of instruction with respect to that on which they wished to be informed, the general concerns of the community, social and political. Now, what had the present liberal Government done to remove obstacles to the attainment of knowledge by the people? Had they done all they could for that purpose? No;

but when last year, for no fiscal purpose, they took off a great part of the stamp-duty on newspapers, they left enough of that duty to form an obstruction to the instruction of the people. It had been acknowledged by Ministers that the existing duty had not been retained for fiscal purposes. For what purpose then? The noble Lord at the head of the Government in that House had admitted, that the fiscal was the least consideration in the way of retaining the present duty; and that such a purpose ought never to stand in the way of public instruction. Was it retarded for the purpose of maintaining some particular monopoly? The London newspapers were, at the present moment, in his opinion, a monopoly; and perhaps the penny duty might be retained, for the purpose of keeping that monopoly up. Now, his object was, to do away with all monopoly, and to give to people in the country, who now took so lively an interest in political and social matters, the benefit of the discussion of those matters. He was desirous, therefore, to abolish the duty entirely; so that, as in America, every small town should have its newspaper, in which general and local matters might be freely discussed. After what had been said on the subject in that House by the Members of his Majesty's Government, he should be very much surprised if the right hon. the Chancellor of the Exchequer were to get up and declare, that he retained the duty for fiscal purposes. Taking into the account the increase in the duty on advertisements, and in the duty on paper, which the augmented sale of newspapers must produce, the fiscal advantage resulting from continuing the duty was a very paltry consideration indeed. But they had all along showed their carelessness and apathy on the subject of the education of the people. Why, as had been said by the noble Lord, who was the leader of the Tories in the other House of Parliament, why not take off the remaining penny of duty? What purpose could its retention answer, but to bring his Majesty's Government into disrepute? It could do the right hon. Gentleman's budget no good. By the measure of last Session they had put some thousands of pounds into the pockets of a few monopolists of London, and had done the people no service. He cared nothing about the education of the rich; they would obtain instruction under any circumstances. But he was very solicitous for the education of the poor; and, as he had already observed, he was desirous that every small town in the country should have its newspaper. The hon. Gentleman concluded by moving for the appointment of a Select Committee to consider the expediency of taking off the penny-stamp duty on newspapers.

The *Chancellor of the Exchequer* felt it to be his duty to oppose the motion of the hon. Member for Bath. Whoever had heard that hon. Gentleman, must suppose that his Majesty's Government wished to retain the duty for some odious purposes of their own. Nothing could be further from the fact. The stamp-duty on newspapers was as low at present as it was a century ago. When the subject of the reduction of the stamp-duty on newspapers had been first introduced, after his coming into office, he had stated his fears, that the financial state of the country would not permit his making such reduction. But, in a future Session, he redeemed the pledge which he had given by inference in a preceding one. He must now say, that he could not propose, in making any new arrangement, to redeem the remaining tax on the article of newspapers, seeing that he had already made so large a concession. He defended its continuance, moreover, because he contended, that with respect to newspapers, the Government gave to newspapers great advantages in exchange for the tax which was laid upon them. The free circulation of newspapers through the General Post-office of this country, was just one of those advantages which were given, and one of the means afforded to improve the character of the press, and to diffuse political knowledge amongst all classes of the community. The hon. and learned Member for Bath maintained, that the present law went to establish a monopoly of the press of the metropolis; and the hon. and learned Member had used some hard words in reference to the proprietors of that press.

Mr. *Roebuck* rose to order. He had given no description whatever of those parties.

The *Chancellor of the Exchequer* resumed. Why, the hon. and learned Member had argued that the effect of the present duty was to put some thousands of pounds into the pockets of a few monopolists of London. By giving a free circulation to newspapers a national character was given to the press; but let not the argument be limited merely to the metropolitan press. He would now call the attention of the House to what had been the effect of the reduction of the duty on newspapers as established by the act of last year. They had had six months' experience of the operation of that act. In the half year ending the 5th of April, 1836, the number of newspapers stamped was 14,874,000. In the first half year during which his experiment had been tried that number rose from 14,874,000 to 21,300,000; which shewed a vast increase of nearly one-third. Therefore, if the circulation of newspapers were a benefit to the community, the hon. Member ought to give him credit for the success of his measure. When the hon. Gentleman underrated the value of the experiment which had been made, he must call his attention to the following facts, to show the progress which had been made:—In the first quarter of the half year in which the reduction of duty had taken place the number of stamps was 8,362,000; and in the second quarter, ending 5th April last, they amounted to no less than 13,000,000. So that not only was there a vast increase as comparing the last half year with that which had preceded it, but in comparing the two quarters of the last half year separately the numbers rose from 8,000,000 to 13,000,000. Take a further proof of what was going on, if they allowed the present system to continue;—he found that in the last quarter of the last half year (as he before stated) the number of newspaper stamps amounted to 13,000,000. In the last half year previous to the reduction of the stamp-duty the number of stamps for the whole of Great Britain was 14,000,000 and odd; so that the number of stamps in the quarter ending April, 1837, was within 1,000,000 of what it was for six months ending in April last year. Would not, then, the hon. Gentleman admit these figures demonstrated a most beneficial result from the operation of the present act? But then the hon. Gentleman said, "Oh, but you have put down the unstamped papers." Now that was precisely the object which he had in view. It was his object to protect the capitalist from being undersold. But he should be sorry if it were imagined that the financial view was the only one which he took or which guided him, because the hon. and learned Gentleman had very properly brought forward the number of criminal prosecutions to which infractions of the late stamp acts had led. Returns to the House had been made showing the number of persons who had been imprisoned, the amount of penalties they had incurred, &c., from year to year, for violations of the law in this respect. And, as had been stated, those individuals not only violated the law, but when they were punished they became martyrs and objects of commiseration. From an abstract of the returns which had been called for, it appeared that there had been 600 and upwards of persons committed in the metropolis; 384 committed to prisons in different parts of the country making 984 and upwards of persons committed for violations of these stamp-laws; and let it be remembered, also, that there were prosecutions in the Court of Exchequer. He found the law in this state then—he found that the greatest possible evils arose from what were termed these infractions of the press. But what was the altered state of circumstances now? Why, since the new law came into operation there had not been one prosecution—there had been not one press seized. No such evils had resulted since the measure came into operation. To advert to the way in which the revenue had been affected by the change made in the law, he must observe that the reduction of the duty on newspapers, coupled with half the duty on paper, which was remitted also to other works of literature, had created in the last year only a diminution of 8,000*l.* out of a sum of 100,000*l.* An objection had been made to the imposition of postage on newspapers forwarded to remote districts. It was asked why should the poor agricultural population of the country be taxed for that which the rich were not. This was a subject materially connected with the postage of newspapers, which he hoped in the present Session to see remedied. It was his intention to propose the reduction of the penny postage on newspapers in the present Session if possible. He believed that such an arrangement would give great satisfaction, though he confessed he did not yet see his way clearly as to substituting a hand delivery in the metropolis. The hon. Member for Bath well knew the difficulty there was in another place to get the measure passed, of which he complained as inefficient. It was almost a miracle that the measure was carried. He hoped that that hon. Gentleman would recollect that the proposition which he carried was the very proposition which had been made by friends of his own the year previous. He had done all that he had promised to do. He had done all he could—he had reduced the rate of taxation to what it was in the reign of Queen Anne. He must oppose the motion of the hon. Member, and conclude by moving, as an amendment, for accounts explanatory of the effects produced on the revenue by the change of the law; Returns of all legal proceedings against any offenders; and returns of persons committed to prison (if any) under the new act. This would complete the papers which had been furnished, by showing an honourable contrast with the former state of things.

The question having been put,

Mr. *Wakley* said, if [the right hon. Gentleman the Chancellor of the Exchequer were really so well satisfied with his own plan, he would ask, how could he hesitate to knock off the remaining half of the tax? The right hon. Gentleman had argued that the people had derived great advantages from the free circulation of the newspaper press; and yet he had declared against the setting of the press free, and hesitated to do that which was right. He felt that the Radicals were placed in an unfortunate position since the right hon. Gentleman and his colleagues had come into office. They had been in a sort of partnership with the present Ministry, supporting them in their good measures, and hesitating to give that support when they disapproved of their proceedings. The Radicals were thus the watching, not the sleeping, partners of the Ministry, and were acting] in a most unfavourable position. If they, in sincerity, advocated those measures which were likely to serve the public cause, was it not hard that after all these efforts on their part they could not obtain from the Government one solitary supporter? It was almost time that this state of things should cease; and it was utterly impossible that it should much longer continue. And he could assure his Majesty's Ministers with much truth, that the Radicals were subjected to very bitter complaints out of doors for the very quiet, easy part which they took in that House. It was often asked of them "What matters it to us whether Whigs or Tories, whether Conservatives, as they are called, or Radicals, be in power, provided we see some good measures introduced, and some Radical measures proposed and carried." Now he felt himself very often incapacitated from giving a satisfactory answer to this proposition. It was impossible to satisfy his friends on these points. He had voted against the right hon. Baronet the Member for Tamworth when that Gentleman was at the head of the Government, on almost every occasion, and he believed he might say he should do so again in such a case occurring, because he had never approved of the school to which that right hon. Gentleman belonged, he not having any aristocratic connexions, and being sent to that House to serve the cause of the people. And determined as he was to act up to every pledge which he had ever given, it was a matter of no importance to him who were in or out of office, provided that they could get measures passed which were approved of out of doors. The right hon. Gentleman had told them of the number of stamps which had been issued in the last six months, but he had forgotten to say how many hundreds of thousands of papers had been suppressed by the law of last year, which had been freely circulated amongst the industrious labouring classes of the community. He believed that many of the measures of his Majesty's Ministers were good, [and he believed, moreover, that better could not be introduced by the Radicals themselves. But let the House look at the state of the country people with reference to one of the best measures that ever was introduced into that House, namely, that for abolishing the Church-rates. Only witness the delusion which prevailed in the country on the subject of this question. In some parts of England—in every parish, or almost in every parish—the rector, the vicar, or the curate, had been round to the parishioners making statements to the people the truth or falsehood of which they had not the means to ascertain. In a parish which he had lately visited in Devonshire the clergyman had called on the labouring people, and asked them "Have you heard of the Ministerial measure respecting Church-rates? Do you know that your Church is to be pulled down? Are you for the Church or not." This had been done [*Name, name!*] The places to which his observations had reference were, Membury, Stockland, and Yarcombe. But he would name one instance further, where a labouring man refused to sign a petition against the ministerial measure for the abolition of church-rates. He could not, indeed, write; but the clergyman said to him, "Oh, you will do of course as your neighbours do; I will write your name for you." Now, this he believed had been the case in many instances. For his own part, he would say, that a more Conservative measure than that which the Ministers had introduced for the abolition of church-rates had never been framed. The right hon. Baronet, the Member for Cumberland, (Sir James Graham) on a former night, had addressed himself very strongly on the subject of the voluntary principle; and he had said, that many of those who advocated the ministerial plan were for the voluntary principle. And so he was — he was in favour of the voluntary principle, but not to the subversion of the Church Establishment. He believed that if the voluntary principle were once brought into play, it would be beneficial to the best interests of the Church, because it would tend to awaken and improve the energies of the ministers and members of that Church. He never wished to weaken or disturb a single pillar of the establishment. He denied that the Radicals sought for or desired the subversion of the Church. He knew that in the borough which he had the honour to represent he had always spoken in favour of the Established Church; and he had yet to learn that the mass of Reformers wished to see the Church destroyed. But the assertion that they had any such intention was made only for party purposes. What the Radicals desired was, that the great mass of the people should have an opportunity to understand the questions which were submitted to the consideration of that House. At present they had no such facilities afforded them. The newspaper ought to be the weekly book of the labouring man, and would be so if he had the opportunity of reading it; but let him read the principles of personal rights and personal wrongs. Of these and other subjects he was now ignorant. The ignorance of the people in many parts of the country was so great as to be hardly credible. Only a little while ago, a farmer in Wiltshire was asked how many kings there were reigning in England, Scotland, and Ireland. "Oh! Lord, Sir," said he, "I don't know how many there be now, but when I was a boy there used to be but two—old King George 3rd and the Prince of Wales. Another was asked what he understood by the ballot, and what he thought of it. "Oh," said he, with a knowing shake of the head, "that's the only fair way of doing it; all our names be put into a hat, and his as is drawed out, why he's the Member." Now, when such answers as these were received upon matters which were the topic of discussion, how could it be wondered at that there were 300 Gentlemen professing Tory principles on the opposite side of the House. But give to the whole country the means of acquiring information at a cheap and easy rate, and he believed, not only that the right hon. Baronet (Sir R. Peel) would come over to that side of the House, but that there would not be in the House of Commons more than ten Gentlemen professing Tory principles. It was impossible with an intelligent and well-informed people, that Toryism could continue to exist for a day. It was opposed to all the best interests of the country. What was Toryism? He would not wait to define it; but the effects of a kindred principle of policy and action might be seen in the Carlism of Spain, the Miguelism of Portugal, and the autocratic despotism of Russia and Poland. But to return to the topic immediately under consideration. His right hon. Friend, the Chancellor of the Exchequer thought, that the stamp upon newspapers improved the character of the press—his right hon. Friend thought it tended to make the press respectable.

The *Chancellor of the Exchequer* had been misunderstood. His argument was this, not that the stamp improved the press, but that the substitution of a postage duty for a stamp duty would deprive the English press of its present character.

Sir *Robert Peel* took the opportunity afforded by the interruption of the Chancellor of the Exchequer of rising to a point of order. It had often of late occurred to him that they were falling into a bad habit of allowing Gentlemen in the midst of a speech to offer explanations, which, according to the rules of debate, ought to be deferred until the speech was concluded. This practice had a tendency to interrupt the train of argument in the mind of the speaker, and certainly contributed in no degree to the convenience of the House.

The *Speaker* observed, that the circumstance to which the right hon. Baronet referred had frequently given him much pain. He had always felt the interruptions to be irregular, but had yielded to them, from a desire to consult what, at the time, appeared to be the general feeling of the House. He was, however, firmly convinced, that the convenience of the House would always be best consulted by adhering with strictness to the fixed and settled rule of debate.

Mr. *Wakley* was obliged to his right hon. Friend for correcting him; and although the interruption might have been irregular, he was glad it had been made, because, instead of impairing, it tended to strengthen the argument he was about to advance. His right hon. Friend said, that if the penny stamp were abolished, he thought it would deprive the English press of its present character. Now everybody in the habit of reading newspapers knew how private persons and public characters were often abused; and everybody so circumstanced must acknowledge that the present character of the press required to be changed. By way of illustration to this point, he would take the liberty of reading an extract from one of our public journals. They all knew that in poetry the finer qualities of the mind had play. To show what a stamped press could do, he would take a specimen of the poetry of the *Times* newspaper. It was an allusion to an hon. and learned Member of that House, whose exertions in the cause of liberty for many years had been indefatigable, and to a great extent successful, and to whom the people of Ireland owed a debt of gratitude that could never be discharged. It was headed, "The Whig Missionary of 1835," and went on in these terms:—

"Scum condensed of Irish bog!
Ruffian—coward—demagogue!
Boundless liar—base detractor!
Nurse of murder—treason's factor!
Of Pope and priest the crouching slave,
While thy lips of freedom rave;
Of England's fame the vip'rous hater,
Yet wanting courage for a traitor.
Ireland's peasants feed thy purse,
Still thou art her bane and curse.
Tho' thou liv'st an empire's scorn,
Lift on high thy brazen horn—
Every dog shall have his day,
This is thine of brutish sway.
Mounted on a Premier's back,
Lash the Ministerial pack;
At thy nod they hold their places—
Crack their sinews, grind their faces.
Tho' thy hand had stabbed their mother
They would fawn and call thee brother;
By their leave pursue thy calling,
Rend thy patriot lungs with bawling;
Spout thy filth—effuse thy slime,
Slander is in thee no crime.
Safe from challenge—safe from law—
What can curb thy callous jaw?
Who would sue a convict liar?
On a poltroon who would fire?
Thou may'st walk in open light,
Few will kick thee—none can fight.
Then grant the monster leave to roam,
Let him slaver out his foam,
Only give him length of string,
He'll contrive himself to swing."

That was the poetry of the stamped press. He had copied the passage from *The Times* of the 26th November, 1835, only a year and a half since; and in *The Times* of the 16th December, 1835, only a fortnight afterwards, there was this notice to correspondents:—"The verses to King Dan are well imagined, but want polish." So that this was a polished specimen of the poetry of the stamped press. From the prose of the same newspaper he might have made many selections, if he had thought them necessary; he had merely alluded to the poetry for the purpose of showing that the stamp, at any rate, had not produced any great degree of refinement in the press. He should have thought, indeed, that his right hon. Friend, the Chancellor of the Exchequer, could have testified to that fact himself. He would now go to another part of the question. He contended that a free people were entitled to a free press. He maintained that a nation was not free where the press was not free. Without a free press, there was no security for a single free institution that a nation could enjoy. The freedom of the press consisted, not in imposing restraints to prevent breaches of decorum, but in punishing those who were actually guilty of violations of decorum in these publications. What said Blackstone upon the point? "Every man has a right to lay what sentiments he pleases before the public—to prohibit this is to destroy the freedom of the press; but if he publish what is mischievous or illegal, he must take the consequence of his own demerits." Now, that passage disclosed to them, in a very few words, what in reality constituted a free press. But, suppose a man in a provincial town to publish a weekly pamphlet upon any political subjects or public events which he conceived might be useful to the public, before he could do so, he must send either to Somerset-house or to the stamp distributor of the district, when a paper, similar to one he then held in his hand, and which he had that day received from Somerset-house, was put into his hands, explaining to him the nature and extent of the securities that would be required from him. This man might be an exceedingly intelligent tradesman or mechanic, but without any great pecuniary means. His friends also might be without pecuniary means. What then was he to do? Before he can proceed with his publication, he must give the names and residences, &c., of two persons of respectability, who will become surety for him, in the sum of 200*l.* each, for the advertisement duty, and beyond that, he must have two other sureties, in the sum of 400*l.* each, to prevent the publication of libels; making altogether a sum of 1,200*l.* required for security, before he could publish a penny weekly political pamphlet. Yet they were told that this state of things, arising out of the odious and tyrannical law of last year, constituted a free press, and that the law ought not to be altered. The statute of 60 Geo. 3rd., commonly called the "Trash Act," had always been deemed a harsh and tyrannical law; but the Act of last year was infinitely worse. Under the law, as it now stood, a man could not publish a newspaper or political pamphlet, without the liability of having his house broken into, and every article contained in it seized. There never was such a law in England before. Until last year such a law was wholly unknown in the history of the press of this country. His right hon. Friend, the Chancellor of the Exchequer, affected to disapprove of Tory principles; he always spoke against them, and against the Tory party; and he was perfectly right to do so. But, suppose that that party should come into office, and carry into execution the principles which he condemned, what would be the fate of the press then? It was true, that he (Mr. Wakley) did not much fear the hon. Gentlemen opposite, because he knew that the enlightened state of the public mind would never endure Tory principles. He believed that this was pretty generally felt; and if even the right hon. Baronet (Sir R. Peel) should come into office again, he (Mr. Wakley) should expect to see him a good Radical. They had certainly witnessed some extraordinary mutations in public affairs; and after what he had seen since he had become a Member of the House, he should hardly feel surprised at any change that might come about. But if his right hon. Friend, the Chancellor of the Exchequer, were sincere in condemning the political principles of the hon. Gentlemen who sat opposite, he trusted he would never give them an opportunity of carrying them into effect. The law, as it at present stood, was, in every respect, an objectionable law —a law that, passing into other hands, might lead to great abuses. He would recommend his right hon. Friend, therefore, to take off the whole of the tax. When the measure was last year sent up to the other House, a distinguished Tory peer made this remark, in reference to the penny stamp, which it was proposed to retain:—"They may do better by sending up a Bill taking off the duty altogether, and by putting aside the complicated machinery and expensive establishment necessary for the levying a paltry penny tax upon each newspaper." That was a declaration of a noble and learned Lord in the other House of Parliament last Session, and he would warn the right hon. Gentlemen on the Treasury Bench, that if they did not act upon the recommendation of that Tory peer, the hon. Gentlemen opposite would take the first opportunity of doing so.

Mr. *Wallace* said, that the reasons adduced by the Chancellor of the Exchequer for keeping up the tax, were precisely those which weighed with him for its abolition. He hoped it would be no longer permitted to press on the newspaper trade. While it continued, the press could not be said to be unshackled. Every man who paid a penny postage on newspapers in the metropolis since October last, was defrauded of that amount. It was the clear intention of the Act of last Session that all stamped newspapers should go postage free in town as well as in country, though the twopenny post was not specified in it. If the principle were not opposed in town, it would be extended to the country in a very short time.

Mr. *Arthur Trevor* was of opinion, that if any individual, or any body of individuals, embarked property in a newspaper, he or they ought to pay some tax for the permission to do so. His opinion was, that nothing could be more essentially absurd than to say, that the taking off the duty on newspapers would remove a burthen from the population of the country. As an individual, he was indifferent to the doing away of the tax, but in accordance with the principles he professed and acted upon in that House, he could not vote for the discontinuance of the duty; but he must say, after the extent to which the Government went last year in the reduction of the duty, he could not see why they should now be so mealy-mouthed on the present occasion. He had constantly opposed the abolition of the duty when the question had been brought forward on former occasions, and should still continue to pursue the same course, and would contend that it was an insult to common understanding to say that newspapers were a general medium for conveying knowledge to the people. In his view of the subject, they did so in a very limited degree indeed; and he must say, that although the arguments of those who supported the present proposition might be specious, they were without solidity.

Mr. *Hume* hoped, as they were about to divide upon the question, that he might appeal to the right hon. Baronet (Sir R. Peel) for his vote. The right hon. Baronet had heard the speech of the hon. Member for Finsbury. He should be glad to know whether the right hon. Baronet differed in any great degree from the view taken of the subject by the hon. Member for Finsbury? Or would the right hon. Baronet tell the House that he considered the taxed press as that moral, highly-improved, and intelligent organ of communication that a right hon. Gentleman opposite had once told him it was. He did not wish to take off the penny postage; he only wished to place all the newspapers in the country in the same situation as that in which three or four of the metropolitan newspapers stood. In London several papers were published without a stamp for circulation in town and the suburbs of the town, and with a stamp for circulation in the country. Now, he wished the same liberty to be extended to every place in the kingdom. He wished that every place in the kingdom should be allowed to publish an unstamped paper for circulation at home, liable to a postage charge of a penny upon each paper that they sent into other parts of the country. He could best explain the advantage of this system by supposing a case. Suppose, then, that in Edinburgh and London there were two papers, each publishing one thousand copies, the tax upon that thousand would be 4*l*. 3*s*. 4*d*. Of the thousand published in London, 700 copies were sent to Edinburgh, and of the thousand published in Edinburgh, 700 were sent to London, leaving to each 300 for home circulation. Now, if his suggestion were acted upon, the tax would fall only upon those that were interchanged, namely, upon 700; which, at the rate of a penny a piece, would amount to 2*l*. 18*s*. 4*d*. That sum, deducted from the 4*l*. 3*s*. 4*d*., left a balance of 1*l*. 5*s*., which was the amount that each place would gain if the proposition were acceded to. At all events, it did not become the present Ministry to allow such an odious machinery as that established by the law of last year to remain upon the Statute-book for the sake of such a paltry tax.

Sir *Robert Peel* said, that the language of the hon. Gentleman who had spoken last was so seducing, his countenance so very friendly, and his demeanour so alluring, that he was almost afraid, if he did remain entirely silent, that part of the House might infer that he was going to vote with the hon. Gentleman, and the country in general might suppose, in the present state of political parties, that there was some secret communication between them—that that alliance which the hon. Gentleman spoke of between those whom he called the Reformers and the Government was about to be dissolved, and an alliance about to be cemented between the former party and the Conservatives. He therefore thought it absolutely necessary for him to inform the hon. Gentleman that he agreed with his Majesty's Government on the question before the House. He could assure the hon. Gentleman that there was no breach of good faith in the case; and he hoped that he should not be the means of interrupting the communication of the allied parties. He understood that the right hon. Gentleman (the Chancellor of the Exchequer), proposed to lay before the House documents which would exhibit to them the result of the experiment which had been made by the late reduction of the stamp-duty. The hon. Gentleman said, that because he did not use vituperative language in that House, therefore he must support the removal of the penny stamp upon newspapers. The hon. Gentleman had been at the pains of arranging his argument into a syllogism; but it appeared to him that there were a great many steps to be filled up in the chain of reasoning before the hon. Gentleman could arrive at such a conclusion from the premises, which he hoped were themselves just, that he (Sir R. Peel) wished to discharge his duty in that House without indulging in personalities. That was the course he wished to pursue, and he presumed to think, that if every one were to follow in this respect the example which he endeavoured to set, the course of sound argument would not be obstructed, nor the character of the House of Commons lowered by it. He did not see why, because he deserved that character of abstaining from personalities, he should vote for the removal of this duty. The hon. Gentleman ought to be more impartial in his censures of the public press. The hon. Gentleman took one class of newspapers; he (Sir R. Peel) read others; for he thought a public man would very inadequately perform his duty if he abstained from consulting the public journals. He (Sir R. Peel) did consult the journals; and he was happy to say, after long experience he had now got so callous that he could read them without the slightest disturbance. He could assure the hon. Gentleman that though he had got a very extensive selection of journals, which he actually took in, and many more were forwarded to him by some good-natured friend or other, he could not say he found the penny newspapers much more complimentary than the others. ("There's the *Penny Magazine*.") He sometimes read the *Penny Magazine;* he found no vituperation in that; and great instruction and amusement were to be derived from perusing even this. But there were newspapers sold for much less than *5d.* under the new stamp laws; and he did not find that they improved in mildness in proportion as they descended in price. He also received publications which were subject to no stamp, and he did not find them more complimentary than those which were. From all this combination of circumstances, he inferred that they would not, by entirely removing the duty on newspapers, have a very effectual security against vituperation. When party spirit ran very high, he believed they must expect that offences against good manners would occur. They could hardly hope for perfect freedom from vituperation; and it would be a dangerous argument to employ against the utility of the press that they occasionally found some severe personal abuse. The hon. Gentlemen surely would not contend that the State should be called on to give any premium on newspapers; but would they not be giving a premium on newspapers if they provided coaches and horses at the public expense to convey them? A very important and extensive experiment had been made last year by the reduction of duty: and one very beneficial effect of the change was, that it had put an end to what might be called smuggling in this branch of the revenue. The Chancellor of the Exchequer intended to lay before the House documents which would furnish them with authentic information on the whole subject, but his own present information, was in accordance with the views of the Government. If the experiment should not prove to be successful, then the question of the removal of the penny stamp might be considered; but he did not see that its maintenance could be considered in the slightest degree unjust, if the proprietors of the newspapers were relieved from all the charges of conveyance. It might be said, that those which were sold in the metropolis did not derive the same advantage with those which were sent to the country; but it was impossible, in any general arrangement of this kind, to mete out exactly the same amount of favour to every public journal. He thought the principle of the duty just, and the State had a fair right to levy an equivalent for the charge to which it was put. The hon. Member would admit the fairness of a stamp duty. [Mr. *Hume:* Of a postage.] He did not see that newspapers would gain anything by the substitution of a postage. He very much doubted whether the existence of a stamp duty and the free transmission of newspapers by post would not be more advantageous to the proprietors than a postage, varying according to the distance which the newspaper was conveyed. Hon. Gentlemen on the other side wished that the postage should be proportioned to the expense of conveyance. The hon. Gentleman (Mr. Wakley) maintained, that the country was not enlightened; but he ought to remember that the charge of enlightening the persons who had figured in the anecdotes with which he had favoured the House, would be very heavy, compared with the charge of enlightening those who dwelt in the vicinity of the metropolis. Civilization and knowledge generally decreased in proportion to the distance of a locality from the metropolis, and yet, the hon. Gentleman would exactly invert the rule, because in the neighbourhood of the metropolis the postage duty would be very light, while in those villages of Devonshire which the hon. Gentleman wanted to make accessible to the light of knowledge, and which were some 200 or 250 miles distant from London, a heavy postage must be paid. He thought that the views of the hon. Gentleman would be best followed up, that knowledge would be most widely extended, and civilization most effectually promoted, by charging one stamp duty upon all newspapers, and giving to the population which was nearest to the great centre of civilization no unfair advantage over that which was most distant from it. Upon these grounds he must express his opinion as decidedly as he could against the motion. He could assure the hon. Member for Finsbury that he was not meditating the repeal of this tax, for his opinion in favour of maintaining it could not be stronger. If the progress of the experiment which was now going on, and the documents promised by the right hon. Gentleman, should lead to the conclusion that the tone of the press might be improved by the proposed measure, that would be a subject for subsequent consideration; on that he would give no opinion; but he had heard nothing in the speech of the right hon. Gentleman from which he dissented. He had not intended to say anything on this question; but the tone of the hon. Gentleman (Mr. Wakley's) observations had made it necessary for him to offer to the House the few observations which he had made.

Mr. *Charles Buller* as a *quasi Devoniensis* begged leave to inform the right hon. Baronet of one little circumstance of which he appeared to be ignorant—namely, that the art of printing was known in Devonshire, and if they were allowed to carry it on as extensively as they pleased, they would not require the London press, because the people of Devon had wit enough to set up a press of their own. He once, indeed, thought that the circulation of the London press in the provinces, was absolutely necessary; but he confessed that things had shaken his opinion on the subject, for he had observed that in every respect — in ability, moderation and intelligence, the country press was infinitely superior to that of London. If there were a penny postage instead of a penny stamp, the provinces would have the advantage of obtaining the London newspapers as easily as they do now, and at the same time of enjoying a cheap press of their own. He was apprehensive that the right hon. Baronet on rising was going to declare himself hostile to the reduction of the penny stamp; but at the end of his speech the right hon. Baronet gave him (Mr. C. Buller) reason to hope better things. There appeared, however, to be a great split with the party upon that question, for while the right hon. Baronet agreed with the Chancellor of the Exchequer that the stamp should be retained, the hon. Member for Durham in that House, and Lord Lyndhurst in another place, were for doing it away, so that there were two to one of his own Friends against the right hon. Baronet. It was possible, therefore, when the right hon. Baronet came into office, the hon. Member for Durham and the noble and learned Lord might make it a condition, in joining his Government, that he should concede to their opinions upon the penny stamp question. He (Mr. C. Buller) had listened with great pleasure to the very admirable speech of the hon. Member for Finsbury, who had explained the question with the greatest force; and he could but admire also the tone of the hon. Member. It expressed exactly that feeling which he wished always to be adopted when speaking of the intellectual state and education of the people. He was sorry however that the hon. Member should have talked about the difference between his Majesty's Ministers and their Radical supporters. He thought the hon. Member did them injustice in saying, that the Ministers did not support Radical notions, although the Radicals always supported them. This was not a fair way to put the case, because he must say that the word Radical had changed its meaning of late—and he believed that a great many of the measures which the Ministers now supported, and the language which they now held, would have been Radical a short time ago. It was hardly fair, therefore, to say, that while the Radicals supported Ministers, Ministers did not support the Radicals. It was fairer, on the whole to say that the Ministers had made great progress in Radicalism. Upon this point he thought that rather a harsh tone had been assumed towards the Ministers. He must confess that, although differing from them with respect to the penny stamp duty, he still thought that they had pursued, on the present occasion, the only course that was open to them. Much as he himself desired the whole duty to be repealed last year, yet it would, in his opinion, be an act of levity and inconsistency on the part of those to whom was intrusted the management of public affairs, and such as would not be calculated to excite the confidence of the country, if, after determining to retain the penny duty, the Ministers were the very year after, to remove it. At the same time he, as an independent Member of Parliament, and without the responsibility of a Minister of State, was at liberty to express his opinion upon the question; he would, therefore, say that he thought it was desirable that the penny stamp duty should be removed. Last year, while expressing a wish that the whole of the duty should be abolished, he acknowledged that the right hon. Gentleman was entitled to great thanks for reducing the stamp to a penny, and said it would do a great portion of good. But he now found that he was wholly wrong, and was greatly disappointed in the effect which that reduction had had. It did not appear to have improved the tone of the newspapers by breaking up the monopoly, or by diffusing political information amongst the people. The right hon. Gentleman had said that there had been a great increase in the circulation of newspapers since the reduction of the duty; but he would venture to predict that when the Returns were obtained it would appear that that increase had taken place among the Sunday and country newspapers only. The price of those papers being only sevenpence a week, the reduction of threepence or fourpence was a very sensible reduction. But the reduction of the expenditure on the daily newspapers was so trifling that it had not increased their circulation. Last year he expressed his opinion with regard to the talent and character of the daily press of this country, which had brought down upon him some severe animadversions; but he could only say that nothing had occurred since the reduction of the stamp duty which induced him to think the monopoly of that press had been effectually broken up, or that the literary characters engaged in the political department of it had been in the least degree improved. Everything ought to be done to diffuse political knowledge among the people, and he was astonished that a public man and a statesman should speak so slightly of it. Could any statesman of the present day look at the condition of this people, and the great mass of working men, armed with vast physical force, and possessing intelligence enough to know what was going on in the political world; but with little learning, knowledge, or talent, to enable them to form a correct judgment upon political questions, without dreading what might befal this country whenever any future period of excitement should put that mass in motion? The Government was now experiencing the consequence of this ignorance on the part of the people; for to what else were to be attributed the prejudices which prevailed upon what was acknowledged by all men of education to be the very best of its measnres—he meant the Poor-law Amendment Bill. However much the aristocracy of this country might be opposed to them upon other points, it was the fact that upon this point the Government had received greater support from the educated classes than he believed any Government could upon any other point whatsoever. He had spoken to many Gentlemen of the Tory persuasion—and he really thought that the good which had been derived from that measure had reconciled them to many other steps which the Government had taken, in spite of their political prejudices. But why did a contrary opinion unhappily prevail among the uneducated, not among the class who were supposed to be the sufferers of that measure, but among those who had just that degree of intelligence which was got from oral communication with the inhabitants of large towns, and who had not the advantage of a cheap press that could inform their minds, and fill them with good opinions and the correct facts of the case? He believed that had a cheap press diffused amongst that class of persons merely the facts of the case, there would have been but little of that ignorant prejudice which had long been one of the greatest obstacles to the good Government that existed in this country. He should certainly vote in support of the present motion; and he hoped that though the Chancellor of the Exchequer could not take any further step this Session, he would apply himself seriously to, and reflect upon, this subject, seeing that he must gird up his loins for a very sharp race, which the right hon. Baronet appeared prepared to run with him.

Mr. *Roebuck* said, he was disappointed at the way in which the Chancellor of the Exchequer had answered his statement. He had put the question on its widest base, and had laid down the principle that the State ought not to tax the necessaries of life, among the foremost of which he would place education. The Chancellor of the Exchequer had not met the argument, had not shown that a tax on newspapers was no obstruction to the diffusion of knowledge; but had merely said, that because other things were taxed, education must be taxed also. The doctrine which he (Mr. Roebuck) held was, that they should tax those things which were least necessary most heavily, and those things which were most necessary, and which it was most difficult to get, most lightly. The argument of the right hon. Gentleman might be very good for a Chancellor of the Exchequer, but would not satisfy any man of education. The Post-office had nothing at all to do with the large circulation of the London newspapers. The Chancellor of the Exchequer had attempted to fasten on him a reprobation of the language used by the press when the fact was, that he never said a word about the manner in which the press was conducted. He hoped the House would not refuse to abolish a monopoly so injurious to the general advantage of the community.

The House divided on the original motion.—Ayes 42; Noes 81:—Majority 39.

List of the AYES.

Aglionby, H. A.
Brady, D. C.
Brotherton, J.
Buller, C.
Butler, hon. P.
Chalmers, P.
Chapman, L.
Codrington, Admiral
Crawford, W. S.
Duncombe, T.
Elphinstone, H.
Ewart, W.
Fielden, J.
Grattan, H.
Grote, G.
Harvey, D. W.
Hawes, B.
Hector, C. J.
Hindley, C.
Hume, J.
Humphery, J.
Jervis, J.
Leader, J. T.
Lister, E. C.
Marshall, W.
Marsland, H.
Molesworth, Sir W.
O'Connell, D.
Palmer, General
Parrott, J.
Rippon, C.
Rundle, J.
Tancred, H. W.
Thompson, Colonel
Tulk, C. A.
Villiers, C. P.
Wallace, R.
Warburton, H.
Ward, H. G.
Wason, R.
Whalley, Sir S.
Williams, W.

TELLERS.
Roebuck, J. A.
Wakley, T.

List of the NOES.

Arbuthnot hon. H.
Balfour, T.
Bannerman, A.
Baring, F. T.
Benett, J.
Bewes, T.
Blackstone, W. S.
Brodie, W. B.
Buller, Sir J. Y.
Campbell, Sir J.
Cavendish, C.
Dillwyn, L.
Donkin, Sir R.
Eaton, R. J.
Fancourt, Major
Fergusson, right hon. R. C.
Fitzroy, Lord C.
Forster, C. S.
Fremantle, Sir T.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Harcourt, G. S.
Hardy, J.
Hawkins, J. H.
Hinde, J. H.
Houstoun, G.
Howard, P. H.
Hoy, J. B.
Johnston, A.
Kearsley, J. H.
Labouchere, rt. hn. H.
Lee, J. L.
Martin, T.
Maunsell, T. P.
Meynell, Captain
Morpeth, Viscount
Mostyn, hon. E.
O'Ferrall, R. M.
Parker, J.
Parnell, rt. hn. Sir H.
Parry, Sir L. P. J.
Pechell, Captain
Peel, rt. hon. Sir R.
Pendarves, E. W. W.
Perceval, Colonel
Philips, M.
Pollock, Sir F.
Pryme, G.
Rae, rt. hon. Sir W.
Rice, rt hon. T. S.
Richards, J.
Richards, R.
Rickford, W.
Robinson, G. R.
Rolfe, Sir R. M.
Ross, C.
Russell, Lord J.
Ryle, J.
Sandon, Viscount
Sanford, E. A.
Scarlett hon. R.
Scott, Sir E. D.
Seymour, Lord
Sharpe, General
Shaw, right hon. F.
Stuart, V.
Talfourd, Mr. Serjeant
Thompson, right. hon. C. P.
Trelawny, Sir W.
Trevor, hon. A.
Tynte, C. J. K.
Vere, Sir C. B.
Vesey, hon. T.
Vivian, J. E.
Wall, C. B.
White, S.
Wilson, H.
Wodehouse, E.
Wood, C.
Young, J.

TELLERS.
Maule, hon. F.
Stanley, E.

The returns moved for by the Chancellor of the Exchequer were ordered.

DISMISSED OFFICERS.] Sir *Edward Codrington* rose, pursuant to notice, to bring forward his motion for a Return, stating the period at which the names of

Commander Edward Edwards, Lieut. Bryant, Lieutenant Rowland Millner, Lieut. John Bee, Dr. Thomas Williams, and Surgeon William Boyce, were removed from the list of the navy, and were deprived of their half-pay, and the reasons for such deprivation. The hon. and gallant Admiral said, that the officers in question were prepared, if a course of inquiry were afforded them, to disprove the truth of the alleged charges, and their entire innocence of any charge that could render them unworthy of the situations they had filled in his Majesty's service. Of one of these individuals, Mr. Millner, it was alleged that he had borrowed money of a Mr. Solomon Alexander, of Portsea, for which he had given, as security, a power of attorney for the receipt of his half-pay, and had subsequently applied for, and obtained his half-pay himself. He was not at the time entitled to half-pay at all, or if so, he was entitled to a much larger sum. Neither was he on full pay, for, if he was, the inquiry would have been by Court-martial. Soon after he did receive some half-pay, and further explanation was subsequently demanded from him by the Admiralty. This demand was made fourteen years after the events took place. He had been deranged. Very naturally, he did not wish to divulge this circumstance, and he could not be certain as to what took place while in that state; but upon inquiry he found that in point of fact he had never had any transaction with the person who claimed this debt. He offered him, however, 20*l.* not to proceed further, from an unwillingness that the previous state of his mind should be made known. The pretended creditor did not know what the name of the captain of the ship was at the time the debt was said to have been contracted. His ignorance upon this and other parts left no doubt on his mind that Lieutenant Millner never knew anything of him. He would have prosecuted the *Times* newspaper for a libel, but he had not the means of defraying the expenses. The next case was that of Lieutenant John Bee. He was promoted in the year 1826, and struck off the list in September of that year, without inquiry, and without having been made acquainted with the charges against him. Sir George Cockburn, induced him to accept the situation of gunner. Now, if he was not fit to be a Lieutenant he was not fit to be a gunner, which was a very responsible situation. He accepted it, in the hope that he might be afterwards restored. In the next case, that of Dr. Thomas Williams, he got no copy of the case against him till five years after he was struck off the list. He totally denied the charge, and asserted that Collier himself, the solicitor who brought it against him, was also ready now to deny it. The last case was that of Surgeon William Boyce, who was declared a bankrupt in 1817. He owed his agent at the time 56*l.* The Commissioners said, that it was to be considered in the same light as any other debt in his schedule, and he was accordingly discharged. He was, however, deprived of his half-pay. Why were officers of inferior rank to be subjected to so severe an ordeal, while the Admiralty, as he could prove, entirely overlooked far more serious charges in a higher quarter. He did not impute the blame in these cases to the present Board of Admiralty; but why should they father the conduct of the former Board? If he should be hard driven he would prove, by cases which would astonish the House, that the rich and the poor were not treated in the same way. He claimed the support of the noble Lord the Secretary for the Home Department, who, upon two occasions, when the question of Orange Associations was under consideration, said, that no man's case should be decided on without having previously given him a hearing. If the noble Lord did not support him upon this occasion he would never support the consistency of the noble Lord in that House. He might be told that it was the prerogative of the Crown in all those cases to dismiss the parties. Blackstone said, that the prerogative could not be held in communion with others—it belonged solely to the Crown. If the King devolved his prerogative upon the Admiralty, therefore it was no longer prerogative. Allusion had been made, upon a former occasion, to the case of Mr. Booth a purser, one of the most respectable men in the service. This gentleman had some reason to think that he had not received all to which he was entitled while serving in the Mediterranean under Lord Exmouth. He applied to that noble Lord for a certificate, who furnished him with one, signed "Exmouth." He immediately called him back, and substituted the word "Pellew." He presented it to Mr. Croker, then Secretary of the Admiralty, who called him back, and said, "This is a forgery, and you are a forger." He was going to knock the Secretary about the head, as would naturally occur to an honorable high-minded man, were it not that Sir George Cockburn came in to his assistance. He was struck off the list in consequence. Sir Matthew White Ridley threatened to bring the matter before the House, and the consequence was, that this gentleman was restored, by an Order in Council. He would also claim the support of the right hon. Baronet (Sir J. Graham), who laid down the principle that in cases of this kind no man should be condemned without a hearing.

Mr. *Robinson* seconded the motion; and he would not do so were it not that the petitioners had exhausted every other means of obtaining redress, and were, therefore, driven to bring the case before the House. If the prerogative in such cases was exercised with the advice of Ministers, Ministers ought to be responsible. Though commissions were given by the King, it was not so clear that they could be justly taken away without inquiry, after officers, had earned their half-pay by length of service. There would be no ground of complaint if officers, when charges were made against them, refused to submit to inquiry. He saw no reason for refusing inquiry except the mere technical one that these officers not being on full pay could not be tried by Court-martial. It would be easy to substitute some other tribunal of officers.

Mr. *Charles Wood* opposed the motion. In all the cases mentioned the parties had an opportunity of stating their case before a fair tribunal. That House was not the place to adjudicate them in. He believed it was not denied that the King, by his prerogative, might dismiss officers of the navy and the army. There was this difference between the two branches of the service, that the King delegated the whole of his prerogative to the High Court of Admiralty, but did not do so as regarded the army. The House knew that there was a class of offences qualified under the designation of ungentlemanly conduct. When charges of this nature were made against officers on full pay they were tried by Court-martial. It was not the case as regarded officers on half-pay. The Admiralty had the power to dismiss officers on half-pay. He would admit, however, that in all such cases as those alluded to by the gallant Officer there would be just ground of complaint if no inquiry was made into them, and if the parties were not called upon for explanation. So far as he knew, the fullest and fairest inquiry was made into all the cases now brought before the House. He would refer only to one or two of them. The first case was that of Commander Edward. He was called upon to state his case. He did so, and the Admiralty was not satisfied. He was, therefore struck off the list. With respect to Lieutenant Millner, it was not true that he had no half-pay due to him, when he gave the power of attorney. If his offence had been known soon enough he would have been tried by a Court-martial; but he had been so long on half pay that that course could not be resorted to. As to the case of the next-mentioned officer, he had not been removed from the service without trial, and the explanation he had given had not been by any means satisfactory. With respect to the case of Dr. Williams, it was one which had been so frequently before the House, and the circumstances of it were so well known that he did not consider it necessary to go into it on the present occasion; and in the case of Mr. Bee, to whose correspondence with Sir George Cockburn allusion had been made, no satisfactory explanation had been afforded the Amiralty to induce them to act differently from the course they had pursued with regard to him. The hon. and gallant Member had alluded to the case of a Mr. Booth, but he must beg of the House not to take that for a matter of fact which they only knew from the statement of the party himself. Mr. Booth had not been hastily struck off the list. The document supposed to have been forged purported to be a letter from Lord Exmouth. Mr. Booth was dismissed on the 24th of March; on the 29th Lord Exmouth's letter in reply to a communication made to him was received by the Admiralty, and the very next day a letter was sent off to pray that his Majesty would be pleased to allow the Admiralty to repair the error and injury they had committed. Those officers who had been removed from the service had been struck off upon the strength of reports made by officers competent to judge of their cases. The House had the best security as to the competency of the tribunal before whom the conduct of those persons had been examined. Let them look at the case of Mr. Bryant. A material fact with regard to that gentleman's case had come to light since last year. An important witness, no other than Mr. Bryant's own brother, had come forward, and stated, that the evidence he himself had given was false. The truth of that statement had been ascertained, and on that very ground the officer in question was restored to his former rank. All the officers who had been removed had been called upon to give explanations of their conduct, and in some cases those given were not satisfactory, and in others none had been given at all; and the natural consequence was, their being struck off the list. The Admiralty, in removing officers from their rank, had a most painful duty to perform, and did not exercise it except when absolutely necessary for the honour of the service over which they presided. If there was anything in the conduct or character of an officer which rendered him unfit for the service he had no right to be allowed to remain in it or to receive his half-pay. Now, the reason why these officers had been considered unfit for the service was, that they had been guilty of conduct unbecoming officers and gentlemen. Supposing all the evidence with regard to them that could be found in the records of the Admiralty to be produced, the only purpose it could serve would be that of again trying those officers; and on the ground that the real effect of granting the motion would be a call for the production of all the evidence in the Admiralty for many years back, for the purpose of re-trying these cases, and as he thought that a fair trial could not be had before a tribunal which he now considered incompetent, he should most decidedly oppose it.

Mr. *Aglionby* said, he had heard nothing in the arguments of the hon. Secretary to the Admiralty to warrant his refusal to produce the Returns moved for. The real state of the case was, that there had never been any trial at all—at least nothing worthy the name of one. There never was a case of greater hardship and injustice than that of Mr. Rowland Millner. Talk of the honour of the service! Was it for the honour of the service that the evidence taken before a harsh tribunal like the Admiralty was never laid before the parties accused? The hon. Gentleman the Secretary to the Admiralty said, there had been in all these cases the fullest investigation, and that they had had every opportunity of clearing themselves. He would assert, that the investigation had been a secret one—and before a tribunal that exercised the power with which they were invested most harshly. With respect to Mr. Millner, the first notice he ever received from the Admiralty was in a letter from Sir John Barrow. He was accused of having borrowed 12*l.* from one Solomon Alexander, on the security of his half-pay, having already drawn that half-pay. If that was really the case, then the sentence which had been passed upon him was a just one. But the allegation was made, let it be remembered, in 1810, and the investigation only took place in 1831. It was proved, that Solomon Alexander was a money-lender of the lowest description, and had gone under false names. Did the hon. Secretary mean to say that Mr. Millner had ever been personally examined, or that he had ever so much as seen the letter in which he was accused to the Admiralty? Had Alexander been personally examined? If so, then his (Mr. Aglionby's) obervations at once fell to the ground; but, if not, then he would say, was it just that an officer should on such weak grounds as these be removed from the service? Mr. Millner denied having received his half-pay at the time, and wrote to the Admiralty to that effect. The reply he received from Sir J. Barrow was, that he had laid his letter before the Lords Commissioners, and that they had authorised him to say, that they could not comply with the request contained in it. He wrote again to Sir J. Barrow, requesting, at least, to see the documents which it was stated had been produced against him, in order that he might say whether the signatures to them were in his own hand writing or forgeries. The answer was, that his request could not be complied with. He presented a petition to the King, and Sir Herbert Taylor's reply was, that, in compliance with his Majesty's order, he had referred the petition to the Lords Commissioners of the Admiralty, who finally referred Mr. Millner to their former answer to his communications. The statements of the hon. Secretary for the Admiralty appeared to him (Mr. Aglionby) inconsistent in the extreme, as to whether Mr. Millner had, or had not, any half-pay due to him at the time of the alleged fraud? Under all these circumstances he hoped the House would consider that a sufficient case was made out for a further inquiry into the matter. He considered it was the duty of that House to exercise a control over every Court where it could be shown that harshness and injustice had taken place.

Mr. *Charles Wood* said, he had the necessary papers with him upon the point of the half pay alluded to, but he was sure Mr. Millner was, at the time, on half pay, and, that being afterwards appointed to the Diadem, on full pay, and wishing to raise a little money to fit himself out, he applied to Alexander for a loan, to whom he gave an order to draw his half pay. Alexander sent the order to his agents in town, and up to the day of his death he swore that the signature was that of Mr. Millner; in addition to which, his (Alexander's) wife had since corroborated his testimony by stating that she remembered the circumstance. Mr. Millner, on his return home, kept out of the way so long, that the time within which he could have been brought to a court-martial passed away before recourse could be had to such a trial.

Mr. *Richards* was somewhat surprised, that the hon. Secretary for the Admiralty should call on the House to disbelieve these gentlemen because they had been accused, and to believe him who was their accuser. The Board of Admiralty had been designated a tribunal, when, in fact, it was no tribunal at all. He did not think that the Admiralty ought to shelter itself under the prerogative; if the facts were as the hon. Secretary stated, no objection ought to be made to the inquiry; he therefore should support the motion.

Sir *Love Parry* said, it was evident that there was an anomaly at the Admiralty between the cases of officers on half-pay and those on full, for the former could not, like the latter, have the opportunity of clearing themselves by a Court-Martial from charges brought against them, while the latter could do so. He considered, that the individuals in question, as well as any others, had a right to call for investigation into their conduct, and not to be thrown upon the world as paupers, without having had a satisfactory trial. Such, he was happy to say, was not the case in the profession to which he belonged. The returns moved for, could not, with any show of justice be refused.

Sir *Thomas Troubridge* denied that injustice, if any had been done, had been inflicted by the present Admiralty. It was a case of almost thirty years standing. He had himself investigated the case, and was satisfied that no injustice had been done. What interest could the Admiralty possibly have in breaking an officer unless he had committed some offence? If this interference were established, the service would be ruined, for it would infringe upon the due observance of those rules which had for their origin the necessity that every man in such a profession should be a gentleman, and wholly untainted by the least suspicion of dishonourable conduct.

Mr. *O'Connell* thought, that some investigation was necessary. The practice of striking officers off the Half Pay List without trial was not right, how honourable soever the persons to whom the power of doing so might be committed. The hon. Secretary had mentioned the case in which the Admiralty had, in consequence of subsequent inquiry, redressed the grievance committed by its having relied on the sworn testimony of one brother against another; he (Mr. O'Connell) thought, that it would be better to investigate previously to dismissal. The House would observe, that Mr. Millner had declared the power of attorney produced by Alexander to be a forgery, and he could not but think it suspicious that during the whole of Mr. Millner's absence on service, that power of attorney had remained unused. The House, in voting for the inquiry, would not pass a vote of censure on the Admiralty, but simply vote for the production of papers; he, therefore, should support the motion.

Mr. *Cumming Bruce* considered, that it would be a dangerous proceeding to transfer the functions of the Admiralty to a Committee of the House of Commons, and he should therefore oppose the motion.

Mr. *Arthur Trevor* stated, that a sense of justice would compel him to vote for the motion. The circumstances under which the parties were placed, made it only fair to grant an inquiry.

Colonel *Thompson* thought, that without questioning the decisions of the naval or military departments, motions such as this, ought to be acceded to as a means of satisfying the public. The course adopted by these departments would not be sanctioned by the public if followed by criminal courts; and he did not think that the people would be content with it if practised by other authorities. As a matter of wisdom then, of prudence and policy, he should support the motion.

Mr. *Harvey* said, the present was not a gratuitous proposition of some Member who was ever found ready to bring forward cases which had something to redress in them. The Board had been stated to possess constitutional responsibility. They claimed the power of cashiering at will, naval officers, and having done so, he would ask, to whom was that Board amenable? It had also been said, that the House ought to place confidence in the correctness of the inquiry which had already taken place; but was the House prepared to place such confidence in any Member of his Majesty's Government as to receive his statement without calling for evidence? Why, he would ask, having admitted the right of the House to make the inquiry, did Government refuse to grant the Return required? A constitutional House of Commons could never recognise the dictum that the House ought to be satisfied with the inquiry which the Board had made; on the contrary, the House ought to say they were willing to believe the motives of the Board had been beyond suspicion, but they would take leave to judge for themselves.

Admiral *Adam* could not find fault with the hon. and gallant Member for bringing forward this motion, if he really felt that justice required it; but he could not, at the same time, avoid congratulating him on the able supporters he had in the hon. Members for Durham and Knaresborough. He, however, called on the House to beware how it interfered with the prerogative of the Crown, which had been given for the benefit of the country. In the absence of any other constitutional tribunal, the Admiralty had investigated this case, and had come to an honest decision upon it; and until some other tribunal was appointed, they would continue to exercise the functions of judgment reposed in them, with, he hoped, as much honour to themselves as benefit to the service, and to the country.

Captain *Gordon* said, that if he understood the question right, the object of the motion was, to interfere with the prerogative of the Crown; and, in his opinion, it was absolutely necessary, for the good regulation of the service, that the Crown, and the Admiralty as its representative, should have the power of dispensing with the services of officers, and on that ground alone he objected to the production of the papers.

Mr. *Phillip Howard* declared, that resting on the authority of the gallant Admiral (Sir E. Codrington) who had brought forward the motion, he should give his vote in favour of it.

Sir *Edward Codrington* observed, that the right hon. Baronet opposite (Sir J. Graham) had on a former occasion stated, that if he (Sir E. Codrington) should act in any way unbecoming an officer and a gentleman, the right hon. Baronet should feel it his duty, if he were at the Board of Admiralty, to recommend his dismissal from the service. Now, he should be glad to learn from the right hon. Baronet what he considered to be conduct unworthy of an officer and a gentleman. Did he think that a naval officer who employed his Majesty's ships in carrying materials for building houses would be acting in a manner unworthy of an officer and a gentleman? Would he consider that the officer in command of a ship, who fished up brass guns which had been blown up, and distributed the proceeds of their sale as prize-money among men who had never been in the action, at the rate of two French dollars a-man—would he consider that a naval commander, who had thus conducted himself, had been guilty of behaviour unworthy of an officer and a gentleman? He should be glad to hear the right hon. Baronet's opinion on this point, because he knew that such circumstances had taken place.

Sir *James Graham* said, that if the object of the division was to ascertain who were the friends, and who were the enemies of the navy, he for one gladly accepted the hon. and gallant Admiral's challenge. Nothing, he thought, could be less conducive to the interest of the service, than to have persons whose honour had been tainted, in connexion with it; and he was persuaded, that if the sense of the navy were taken, it would be found that they were not unfavourable to the power exercised by the Board of Admiralty, or desirous of an appeal from its decisions to the authority of that House. He must deny that he had ever contended that the power vested in the Board of

Admiralty should be exercised in all cases: but he had said, that where the officers of the navy or army—who were not on full pay, were not amenable to the tribunal of a Court-martial—were guilty of conduct that tainted their honour, it was the paramount duty of the Government to strike them off the lists of the service. This power was, of course, exercised under responsibility, and never called into action unless the case brought against the individual was fully established against him, to the satisfaction of those in whose hands the power was placed. The hon. and gallant Officer had called upon him to define what the conduct was that he considered would be unworthy of an officer and a gentleman. Had the hon. and gallant Officer ever presided at a Court-martial? If he had, was it for him to tell the hon. and gallant Officer what the conduct was that would be unworthy of an officer and a gentleman? Every man who heard him was as competent to answer the hon. and gallant Officer's question as he was, and therefore, he must express his surprise at finding that the hon. and gallant Officer was so uninformed as to render a definition on the subject necessary. He was most unwillingly drawn into the present discussion; but he could not, at the same time help saying, that he was surprised at the reference which the hon. and gallant Officer had made to the conduct of a brother officer, who was not present to defend himself against such insinuations as the hon. and gallant Officer had thrown out. He was aware of the name of the gallant Officer to whom the hon. and gallant Officer alluded, and it was but right that the House should know that he was an officer not on half but on full pay. Now, would the hon. and gallant Officer have had him exercise the authority of the Board of Admiralty in such a case? [Sir *E. Codrington*—No, no.] If the gallant Officer referred to had done anything wrong, if he had been guilty of conduct that was unworthy of an officer and a gentleman, he was amenable to a Court-martial—to that tribunal on which the hon. and gallant Officer so strongly relied, and from an investigation by which the gallant Officer in question would not have shrunk, had those charges now imputed been preferred against him. He must say, that it was unworthy of the hon. and gallant Officer thus, without notice, and behind his back, to pronounce such a censure on the conduct of a brother officer, without at the same time mentioning his name. This matter might not be perfectly understood in that House, but it would be understood elsewhere—it would be understood in the service to which the hon. and gallant Officer alluded to belonged; and yet the hon. and gallant Officer, knowing this, took that occasion to question him as to the conduct which was becoming in an officer, and a gentleman.

Sir *Edward Codrington* was understood, in explanation, to speak to the following effect:—"Sir, I mentioned the subject because I had complained to the right hon. Baronet himself, that men who were not at the battle of Navarino, had received two dollars each as prize money, for guns fished up after the battle from the Bay of Navarino. I made the complaint because the right hon. Baronet resisted giving to my men the gratuity I claimed for them for that battle. But, Sir, what did the right hon. Baronet do? Why, he appointed that very officer who did this, to supersede me in the command of the Mediterranean fleet. Sir, the right hon. Baronet has taunted me with not having named the officer to whom I alluded, but as I should be incapable to speak that of a gentleman behind his back, which I would not say before his face, I have no hesitation whatever in stating, that the officer to whom I alluded is Sir Pulteney Malcolm. I, for one, Sir, disapproved of Sir Pulteney Malcolm's conduct, and I think that many men would have subjected themselves to be tried by a Court-martial, if they had acted in the same way. If any other officer had been tried upon the charge, and it had been proved against him, I am convinced that this would have been the case. Now, Sir, I hope I have spoken explicitly. Sir Pulteney Malcolm spoke freely of me, and in doing so he did not speak fairly. I state this, Sir, as a fact. I think I have spoken explicitly now."

Sir *James Graham:* The hon. and gallant Officer has spoken explicitly enough. The hon. and gallant Officer alluded to this subject on two or three former occasions, but this is the first time that he has ever mentioned the name of the officer to whom he referred. Sir, I entertain the highest opinion possible of Sir Pulteney Malcolm, and I do not believe that there is a more honourable or gallant officer in the profession to which he belongs. It is perfectly true that the hon. and gallant Officer was superseded in the command of the Mediterranean fleet, and that Sir Pulteney Malcolm succeeded him in that command. I admit that I am responsible for having superseded the hon. and gallant Officer, and that I did so, because I would not listen to insinuations and charges which were made in such a manner as the insinuations and charges made to me were made. Those who were fully competent to form a correct opinion of the conduct of Sir Pulteney Malcolm, I consulted, and I now feel it my bounden duty to declare, that I totally disbelieve the charges brought against him. Sir, had there been any foundation for those charges, might not Sir Pulteney Malcolm have been called upon to answer them before that tribunal to which he was at that time amenable? He never was, and I therefore think it rather hard that the hon. and gallant Officer should have attempted for years to whisper away the character of Sir Pulteney, without mentioning his name, until the hon. and gallant Officer found himself driven into a corner.

Admiral *Adam*: Sir, I must say that I also was surprised to hear the hon. and gallant Admiral behind me prefer such charges against my old and gallant Friend, Sir Pulteney Malcolm. If the hon. and gallant Admiral had had charges to bring against my old and esteemed Friend, why did he not make them in an open and manly manner, and not by way of insinuation?

Mr. *Hume* said, he was anxious to bring the House back to the real question before them. He must say that a secret inquisition was highly objectionable; and as he thought it unfair that the characters of officers should be whispered away by a dozen individuals, on, perhaps, incorrect information, he was opposed to the power which was placed in the hands of the Board of Admiralty. It was true, that they had an appeal to the Crown, but of what advantage was that appeal, when the only thing to be gained from it was, a reference back to the same authority by whom the matter was decided in the first instance.

The House divided:—Ayes 46; Noes 153: Majority 107.

List of the AYES.

Bannerman, A.
Bish, T.
Blake, M. J.
Bowles, G. R.
Brady, D. C.
Brotherton, J.
Brownrigg, S.
Chapman, L.
Crawford, W.
Duncombe, T.
Ewart, W.
Fector, J. M.
Fielden, J.
Grattan, H.
Hall, B.
Harvey, D. W.
Hindley, C.
Howard, P. H.
Hume, J.
Lushington, C.
Marsland, H.
O'Connell, D.
O'Connell, J.
O'Connell, M.
Palmer, General
Parry, Sir L. P. J.
Pattison, J.
Richards, J.
Robinson, G. R.
Rundle, J.
Stuart, V.
Strickland, Sir G.
Talbot, C. R. M.
Tancred, H. W.
Thompson, Colonel
Trelawney, Sir W.
Trevor, Hon. A.
Tulk, C. A.
Wakley, T.
Wallace, R.
Wason, R.
Whalley, Sir S.
Wilbraham, G.
Williams, W. A.
Williams, Sir J.
Wood, Alderman

TELLERS.

Aglionby, H. A.
Codrington, Sir E.

List of the NOES.

Agnew, Sir A.
Arbuthnot, hon. H.
Bailey, J.
Baillie, H. D.
Bainbridge, E. T.
Baines, E.
Balfour, T.
Baring, F. T.
Baring, H. B.
Baring, T.
Barneby, J.
Barron, H. W.
Benett, J.
Berkeley, hon. C.
Bethell, R.
Biddulph, R.
Blackburne, I.
Blackstone, W. S.
Bolling, W.
Bonham, R. F.
Borthwick, P.
Bradshaw, J.
Bramston, T. W.
Bruce, C. L. C.
Bruen, F.
Byng, G.
Campbell, Sir H.
Charlton, E. L.
Chichester, A.
Clayton, Sir W.
Clive, Viscount
Clive, hon. R. H.
Colborne, N. W. R.
Cole, hon. A. H.
Cole, Viscount
Coote, Sir C.
Cripps, J.
Damer, G. L. D.
Darlington, Earl of
Dillwyn, L. W.
Divett, E.
Dottin, A. R.
Dowdeswell, W.
Duffield, Thomas
East, J. B.
Eastnor, Viscount
Eaton, R. J.
Ebrington, Viscount
Egerton, Sir P.
Elley, Sir J.
Estcourt, T.
Farrand, R.
Ferguson, rt. hon. R. C.
Finch, G.
Forbes, W.
Forster, C. S.
French, F.
Geary, Sir W.
Gladstone, T.
Gladstone, W. E.
Gordon, R.
Gordon, hon. Captain
Goulburn, rt. hon. H.
Goulburn, Sergeant
Graham, rt. hon. Sir J.
Hale, R. B.
Hamilton, Lord C.
Harcourt, G. S.
Hardy, J.
Harland, W. C.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hinde, J. H.
Hobhouse, rt. hn. Sir J.
Hodges, T. L.
Hogg, J. W.
Hope, J.
Houstoun, G.
Howard, R.
Howick, Viscount
Humphery, J.
James, W.
Johnston, Andrew
Irton, S.
Kearsley, J. H.
Knight, H. G.
Labouchere, rt. hn. H.

Law, hon. C. E.
Lefevre, C. S.
Lennox, Lord George
Lennox, Lord A.
Leveson, Lord
Lewis, D.
Lister, E. C.
Long, W.
Lowther, J. H.
Marsland, T.
Maule, hon. F.
Maunsell, T. P.
Miles, William
Morpeth, Viscount
Morrison, J.
Murray, rt. hon. J. A.
Neeld, J.
Nicholl, Dr.
O'Neil, hon. J. B. R.
Packe, C. W.
Palmer, R.
Palmer, G.
Palmerston, Viscount
Parker, M.
Parker, John
Parrott, J.
Peel, rt. hon. Sir R.
Pendarves, E. W. W.
Perceval, Colonel
Pigot, R.
Ponsonby, hon. J.
Poulter, J. S.
Rae, right hon. Sir W.
Reid, Sir J. R.
Rice, rt. hon. T. S.
Richards, R.
Rickford, W.
Ross, C.
Russell, Charles
Russell, Lord J.
Russell, Lord C.
Ryle, J.
Scarlett, hon. R.
Scott, Sir E. D.
Scott, J. W.
Scourfield, W. H.
Seymour, Lord
Sharpe, General
Shirley, E. J.
Stanley, E. J.
Stewart, J.
Surrey, Earl of
Tennent, J. E.
Trevor, hon. G. R.
Twiss, H.
Tyrell, Sir J. T.
Vere, Sir C. B.
Vesey, hon. T.
Ward, H. G.
Weyland, Major
White, S.
Whitmore, T. C.
Wood, C.
Woulfe, Sergeant
Wrightson, W. B.

TELLERS.

Adam, Sir C.
Troubridge, Sir E. T.

SURVEY OF CHURCH LANDS.] Mr. *Thomas Duncombe* rose to renew his motion for copies of all the Parliamentary surveys of Church lands made in 1646, and deposited by Parliament in the library of manuscripts in Lambeth Palace. He was sorry that accident had prevented him from being in his place when his hon. Friend the Member for Middlesex brought this motion forward as his substitute. He was afraid that he had, by his absence on that occasion, placed his hon. Friend in a most ungracious position. The papers of which he was now moving for copies, were the property of Parliament. They contained the surveys of Church lands, which Parliament had ordered to be made in 1646, and were placed by Parliament, which did not know what to do with them at the Restoration, in the care of the Archbishop of Canterbury for safe custody. They were therefore beyond all dispute public property; but still, if you wanted an extract respecting any particular parish, you must pay a fee of half a guinea for it to the Archbishop's secretary, or if you wanted, as he had wanted, extracts respecting twelve parishes, you must pay six guineas for them. He understood that on a former occasion the Attorney-General had objected to the production of these copies, on the ground of the expense of making them. He had said that there were forty folio volumes of them, and that it would require a cart and horses to produce them; but the fact was, that there were only twenty quarto volumes, written only on one side of the page, and written too, in a very large hand. The expense of copying them would amount to 40*l.*; and the copies themselves, if printed, would easily go into the compass of an ordinary Parliamentary volume. He believed that those documents would show that a great deal of property, which was then in the Church, had since been alienated, and would render it necessary for Parliament to call for some explanation of the mode in which the alienation had been made. He was sorry that his hon. Friend, the Member for the University of Oxford, (Sir R. Inglis) was not present, as he should have appealed to his hon. Friend to confirm his assertion that the documents of which he wanted copies were the property of Parliament. He concluded by formally making the motion which he had mentioned at the commencement of his speech.

Lord *John Russell* was unwilling to oppose this motion, although he could not see its utility. He understood that these documents were considered as public documents in the library at Lambeth, and that any person who wished to see them might do so for a small fee. He doubted, however, whether it was worth while to go to the expense of either copying or printing them.

Mr. *Hume* would be sorry to put the country to any unnecessary expense, but he still thought that these documents ought to be printed. He assured the noble Lord that he had found great difficulty in obtaining what he wanted in these manuscripts. It was of great importance that the contents of these documents should be open to the public.

Mr. *Baines* had gone to the library at Lambeth Palace, and having stated that he wanted to examine these manuscripts for historical purposes, had received from the Archbishop of Canterbury and from his librarian every facility he could desire, and that, too, without the payment of any fee.

Sir *Robert Peel* was not going to throw any obstacle in the way of the motion of the hon. Member for Finsbury. He thought, however, that the first document which the House ought to call for should be an authentic statement of the circumstances under which these documents were placed as public property in the library at Lambeth. When that formal authority was produced, either in the shape of an extract from their journals, or in any other authentic document, there could be no objection to order the production of the surveys in question. He made this suggestion to the House to prevent it being imagined that they had exercised their authority to extract documents which were not their property from a private library.

Lord *John Russell* concurred with the right hon. Baronet the Member for Tamworth, that some Parliamentary ground should be laid for demanding these documents as public property from the Archbishop of Canterbury.

Debate adjourned.

PRISON DISCIPLINE (SCOTLAND).] Mr. *Fox Maule* said, the subject which I feel it to be my duty to bring under the notice of the House, is one of so much importance, that I trust I may be permitted to trespass for a short time on its attention, while I detail the amendments which I propose to make in the management of the prisons and system of prison discipline in Scotland. All who have turned their attention to this interesting subject, concur in opinion that without uniformity of system no great improvement can be obtained, and, however in some cases centralization of management may be undesirable, in respect to prisons there seems to be but one opinion as to the propriety of its adoption. Fully subscribing to this doctrine, which I find strongly recommended in Mr. Hill's two Reports on the prisons of Scotland, I have endeavoured to frame a measure which shall carry it into effect, and rescue that country from the stain which the present system casts upon it. Did my time permit, I might enter into a detail of the present evils, which, perhaps, would be the most formal course previous to suggesting the remedies; but these are so well known to every one connected with that country that I feel, as far as they are concerned, it would be an unnecessary consumption of time, and will content myself by referring the House and the public to Mr. Hill's excellent reports in justification, if it be required, of the measure which I shall lay on the table. But I cannot avoid mentioning one striking fact, that, notwithstanding the immense changes that have taken place in Scotland—the increase of population—the establishment of large commercial communities—the enlargement, if I may say of the field for crime, and the increased strictness of the administration of the law—the statute which regulates the confinement of prisoners bears the antiquated date of 1597. By this Act, in return, no doubt, for valuable privileges at that time enjoyed by them, the royal burghs were called upon to take charge of all persons sentenced to imprisonment, and were held responsible for their safe custody and maintenance when convicted, out of the common goods or property, of the borough, of which, at the time, no doubt, there was a sufficiency for the purpose; for, I fear, the majesty of the law was so ill upheld in those days, that few were made subject to its necessary vengeance. But many of our royal burghs have fallen from their former estate, and their property is gone: but their liability remains; and what is the consequence? Their gaols are in the worst possible condition—no discipline can exist, for there are no means to carry it out—male and female, convicted and untried, the hardened in crime and the juvenile offender, debtor and felon, may be seen herded together under the charge of a gaoler, with a salary of some 4*l.* or 5*l.* a-year, who ekes out the remainder of his scanty income by the profits he derives from supplying beer, spirituous liquors, and other articles to the unfortunate individuals under his charge. This state of things has not been unnoticed by Parliament, though no effectual remedy has yet been provided. In 1818, and 1819, a Committee of the House was employed in carefully investigating the subject; but the only result of their labour was the 59th of George 3rd, c. 61. This Act is very defective in its provisions, and it only applies to rebuilding gaols on their old sites, and leaves it a matter of choice to the counties to give or withhold aid as they see fit. In 1826 the attention of Parliament was again attracted to the subject, and the result of their inquiries was, that in the opinion of the Committee the state of the prisons in Scotland was very defective in point of security, accommodation and management, while the funds from which such prisons ought to be improved were in most instances inadequate for the purpose. The Committee go on to state, that it is no longer a matter of choice, but of necessity, that a speedy and effective remedy should be supplied to an evil of such magnitude. Notwithstanding these suggestions, no farther steps were taken towards an improved system till 1829, when the right hon. and learned Gentleman opposite brought forward a Bill, which, had it been entertained, would have gone far to remedy the existing evils, and contained some of the provisions which I have adopted in the present Bill. Counties have also, in some instances, stepped in voluntarily to share with the burghs the burthen of maintaining prisoners, and providing secure accommodation. Various kind and charitable individuals have also formed themselves into societies, which have done some good in introducing religious instruction, and attracting public attention to the subject; but with the best intentions, their objects have been in a great measure rendered ineffectual by want of a proper system of discipline and order. But there is another principle to be considered. Is it right that the present liabilities of burghs should remain? I cannot for a moment subscribe to such a proposition; and I hold that all classes of the community are bound, according to their means, to be subject to this natural duty. Impressed with these opinions, I will state shortly the heads of the Bill which I shall ask leave to introduce to the House, and which they will find to be framed much upon the principles and suggestions contained in Mr. Hill's reports. It is proposed to place the whole prisons of Scotland and regulation of prison discipline under one board of directors, to be named in the Act, with the addition of the inspector of prisons for the north, and two directors to be named by the Secretary of State; the office of director to be honorary; the board to make regulations subject to approval or alteration by the Secretary of State, and to lay their proceedings annually before Parliament. I propose the board shall lay before Parliament every year an estimate of the expenses for the ensuing year; this estimate to lie on the table of the House for one month, and, if not questioned in that time, to be carried into effect by the board levying an assessment on counties and burghs according to their population. The proportions for each being allocated according to a schedule in the Bill, the assessment is proposed to be raised on counties along with the rogue money, and in burghs by the magistrates along with any convenient burgh rate that may exist. It is proposed to limit the amount of the assessment to what is right and reasonable; and I propose that it shall not exceed 30,000*l.* in any one year over all Scotland. By the calculations I have made, I find that this sum, being the highest possible rate, would impose an assessment upon the city of Edinburgh of only about one penny in the pound of rental, and even on the country generally would fall so lightly as scarcely to be felt as a burthen. I propose that there shall be three great penitentiaries in different parts of the kingdom, and it fortunately happens that there are buildings belonging to Government exceedingly well adapted for this purpose, which I am prepared to state Government will grant the use of, and which will enable us, with comparatively little expense, to carry the plan into effect. There are also several smaller prisons at present existing, which, some of them in their present state and some of them with slight alteration, will still remain useful. Thus I have endeavoured to show the House the principle I propose to adopt; the manner of carrying it into effect; the means of defraying the expenses of it; and the equity with which they will fall on all classes of the community, rural as well as urban. They will perhaps understand the details better when the Bill and its schedules are in their hands; but I could not in justice to the subject allow it to go to the public without this explanation of its various points. I feel quite assured that though there may be some difference of opinion as to these details, to which I am by no means bound if improvement can be shown, the gentlemen of Scotland will support me in carrying the principle into effect. Men of all parties and opinions will approach the subject with but one feeling, and lend their aid and influence to promote the cause of justice and humanity, and render our country as distinguished for the order and regularity of our prisons as she has long been for the intelligence and morality of her people. I beg to move for leave to bring in a Bill to improve prisons and prison discipline in Scotland.

Major *Cumming Bruce* was sure the House would agree with him, that no apology was necessary for his hon. Friend for occupying their time with the able statement with which he had introduced the present important measure; a measure which he trusted would soon remove the disgrace which at present attached to Scotland from the state of her prisons. He liked not only the general principles of the measure, but the details also, and he anticipated the happiest results from its operation. Though not a friend to the principle of centralization in all matters, he was convinced, and he was sure that others would agree with him, that this was a case in which centralization was necessary, seeing that this was a matter not of petty local interests, but of national concern, and that it was only by putting the prisons of Scotland under one general direction, that any efficient and permanent reform could be obtained. If he had had any doubt of the necessity of this and the other leading principles of the Bill, those doubts have been removed by the perusal of the reports of the inspector of prisons for Scotland. In all the principles and views brought forward by Mr. Hill in those reports he heartily concurred, and he thought that the more the present measure was made in accordance with those views and principles, the more good it would contain. The advantage was to be general, and therefore it was quite reasonable that there should be a general assessment, and that all should contribute according to their ability, whether they happened to be inhabitants of burghs or not. The burghs had already borne their peculiar burdens too long, and he was glad to find that this measure would afford them relief.

Sir *William Rae* said, that the country ought to feel obliged to the hon. Gentleman for having brought this measure forward. He trusted that this was a Government measure, as it was the only mode in which it could be effectually carried through. He had paid much attention to this subject, and had endeavoured to apply a remedy to the acknowledged evils at present existing. His chief difficulty had been in providing the large district prisons and procuring the necessary funds, but the hon. Member would not have the same difficulties to contend with, if he obtained the assistance of Government in providing the penitentiaries required; if he needed to raise any large sum by a new form of assessment, he would perhaps be beaten. The rates in counties in Scotland were at present levied according to a valuation made nearly 200 years ago, which, of course, does not show the value of property. The right hon. Member concluded by saying that, he would be very happy to afford any assistance in his power in aid of such an important measure.

Lord *J. Russell* said, that the Bill was a Government measure, and that Government would do all in its power to carry it through Parliament.

The *Lord Advocate* said, that the present system of prison discipline was a disgrace to Scotland, and could not be allowed to continue. It was also a consideration not unworthy of the attention of the House, that the proposed measure was likely to prove a measure of economy. That it must be so, was evident from this —that if crime be diminished, expense must be diminished in the same, or nearly in the same proportion.

Captain *Gordon* considered that the plan was exceedingly good, and one which it was most desirable should be carried into immediate effect. He wished to know whether it was the intention of his hon. Friend, in cases where nothing could be established against particular prisons, that the parties maintaining those gaols should be put to additional expense.

Mr. *Fox Maule* replied, that if the proposed measure became an Act of Parliament, the prisons of Scotland would be placed under one board possessing power to levy a general assessment over the whole country, by which means counties and boroughs would be relieved from any future expense.

Mr. *Forbes* did not much approve of any further increase of centralization, and certainly, before he gave his assent to the measure then before the House, he must see what was said to its details in the county which he had the honour to represent.

Mr. *Hawes* said, it would be highly advantageous, if, in establishing regulations of the kind proposed, arrangements should be made for rendering the gaols of Scotland self-supporting establishments.

Sir *William Rae* inquired whether or not it was intended that the same responsibility as formerly should attach to magistrates in cases where debtors effected their escape.

Mr. *Maule* said, it was expected that in future a more respectable class of men would fill the office of gaoler than had done so formerly; they would, therefore, be enabled to find sufficient security, and the magistrates would then be relieved from further responsibility.

Motion agreed to. Bill brought in and read a first time.

HOUSE OF LORDS,

Friday, April 14, 1837.

MINUTES.] Bills. Read a second time:—Trial by Jury (Scotland); Affidavits (Scotland and Ireland).

Petitions presented. By Lords BEXLEY, KENYON, and other Noble LORDS, from Rochester and other places, against the Abolition; and by Lords POLTIMORE, BROUGHAM, HOLLAND, and the Duke of NORFOLK, from various places, for the Abolition of Church-rates.—By Lord KING, from Guildford, against Alteration of Poor-law Amendment Act.—By Viscount BERESFORD, from the Medical Profession at Corsham and Chippenham, for Alteration of the said Act, relative to Remuneration of Medical Men for attendance on the Poor.

TRIAL BY JURY (SCOTLAND) BILL.] The *Lord Chancellor* moved the second reading of the Trial by Jury (Scotland) Bill, the object of which was to assimilate the law in Scotland on this subject to that of this country. It provided, that in case a party were dissatisfied with the verdict of the Jury, or the rule of the Judge in his case, he might apply to the Court for a new trial; and in case of failing of receiving satisfaction by this means, he may resort to a writ of exceptions.

The Earl of *Mansfield* did not rise to oppose the Bill, but thought that before any alteration was made in the existing law, it ought to receive the most deliberate attention, which he hoped this Bill would receive at the hands of their Lordships.

Lord *Brougham* supported the Bill, and observed, that its great object was to prevent endless litigation before Juries. It left the merits of the case to the Juries, and only left the question of law to the Judges.

Bill read a second time.

HOUSE OF COMMONS,

Friday, April 14, 1837.

MINUTES.] Petitions presented. By Sir JOHN BECKETT and other Hon. MEMBERS, from Newcastle-upon-Tyne, and various other places, against; and by Mr. LISTER, Colonel LANGTON, and other Hon. MEMBERS, from various places, for the Abolition of Church-rates.—By Mr. LISTER and other Hon. MEMBERS, from Devizes and other places, for Amendment of Poor-law Act.—By Mr. HANDLEY and other Hon. MEMBERS, from Wisbeach and other places, complaining of the undue privilege enjoyed by the Proprietors of the Post-office Shipping Gazette over the Proprietors of similar Papers.—By Mr. SHARMAN CRAWFORD, from various places, for Abolition of Tithes (Ireland).—By Mr. SHARMAN CRAWFORD and other Hon. MEMBERS, from Wigan and other places, that a General Bill may be allowed to pass through a Committee of the whole House, for the Better Observance of the Sabbath.—By Mr. W. ORD, from Newcastle-upon-Tyne, for Reduction of Duty on Marine Insurances.—By Mr. VERNON SMITH, from Northampton, for Universal Suffrage.—By Mr. F. SHAW, from Dublin, for a prohibition of the Sale of Spirituous Liquors on the Sabbath.—By Mr. MOSTYN, from Mold, for the Repeal of Duty on Cotton.—By Mr. F. SHAW, from Down, Connor, and other places, complaining of the unequal operation of the present system of National Education (Ireland).—By Mr. W. MILES, from Martindale, complaining of the Expense incurred by the present Survey for the completion of the Voluntary Agreement under the Tithe Commutations Act.

BUSINESS OF THE HOUSE.] Sir *R. Peel* believed the time was fast approaching when the House, by the general consent of all parties, would make some great improvement in the manner of conducting the public business. He did not impute blame to any one; but discussions had been allowed to proceed to such a length, and they had got into such a habit of adjourned debates, that nobody could feel sure when a question, even of the greatest importance, would be brought under consideration. Like the horse, of whom it was said, that it was easy to bring him to the water, but that it was not easy to make him drink, it was easy for an hon. Member to bring in a Bill, but it was not easy for him to force the House to come to a satisfactory conclusion with it. All parties ought to wait and to direct their undivided attention to the remedy of this evil. At present, the discussion of one subject was immediately followed by the discussion of another. A month perhaps intervened before the discussion of the first subject was resumed; by that time all the arguments that had been urged were forgotten, and it became necessary to repeat them. It would be highly satisfactory to the subject if some better arrangement could be made; if, for instance, they were to select two or three of the most important and pressing Bills, and perfect them before proceeding with any other. Such a course would be much more satisfactory to all concerned, than the manner in which the business was now done.

Mr. *Roebuck* said, if the leading Members of the parties in that House were to make their speeches before ten o'clock, it would be found to have a beneficial effect. At present, the House was nearly emptied from soon after five o'clock until that hour, as it was well understood that no great gun would go off before ten o'clock. If it were understood that all the artillery of a debate would be discharged a little before that hour, the House would not be so deserted, nor would its time be so much wasted.

Sir *R. Peel* was quite sure that all those who were expected to take up a subject, after every argument had been exhausted, would heartily concur in the suggestion of the hon. and learned Gentleman. It was a most harassing task for any one to get up after a three nights' debate, and address the House after all had been said upon the question that it was possible to advance.

Subject dropped.

CANADA.] On the motion of Lord John Russell, the House resolved itself into a Committee on the paragraph in the King's speech respecting Canada.

The *Chairman* stated, that it was the fifth resolution which was to be considered.

Mr. *Roebuck* rose and said: Having what I believe to be an important proposition to lay before the Committee, I am exceedingly desirous of obtaining their attention while yet untired and undisturbed by the warmth and asperities of debate. I am now about to endeavour, for the last time at which the attempt can be successful, to propound a plan for the reconciliation of the people of Canada and this country, and for the amicable and immediate arrangement of the perplexing and fatal dissensions which have so long existed between the provincial Government and the imperial Administration. We are on the eve of taking a step which will for ever preclude all hope of peace and content hereafter. I say this is no spirit of boasting or of taunt. To me, a quarrel between England and Canada can bring nothing but pain and regret; but I thus warn this House, and the Ministers of the Crown, because I know the subject on which I am speaking, and but too plainly perceive the long train of disaster and distress which the fatal course we now meditate, will inevitably entail upon the people of both countries. In order to avert this evil, I deem it my duty to make one effort more, and a solemn duty I esteem it; and, in order that I may perform it to the best of my ability, I beseech the attention and indulgent consideration of the Committee. If the resolutions proposed by the noble Lord are persevered in and carried, all hope of peace is for ever precluded. The province of Canada, together with our other possessions in America, may for a few years still remain under our dominion; but fatal discontent will pervade the minds of the colonists, and their every aspiration will be for the happy time of their deliverance from our yoke; they will watch with eager anxiety and impatience for the first favourable opportunity for contemptuously spurning our control, and will, with ardent belief in the glories and happiness of a life of national independence, rear at once the standard of revolt, and assume the name and port of an independent people. Whatever may be the course we may pursue, the time must inevitably come, when our American colonies will become independent states; but I, for one, am not anxious that this event should be anticipated and brought about before its natural period; and above all, I am desirous that when this period does arrive, we may separate in peace and good-will towards one another; that we may voluntarily resign our supervising care, and that the colonies may assume it with our sanction and approval; that no bitterness should result from this new relation, but that reciprocal kindness should beget lasting and reciprocal good-will. In order, then, that this good feeling may exist, it is necessary that our connexion, while it lasts, should not be accompanied with strife, with contempt, and ill-treatment on the one hand, and ill-suppressed hate and desired revenge on the other. In the hope of preventing this disastrous consummation, and of promoting a kindly feeling between Lower Canada and ourselves, I entreat the House to pause while yet there is time for consideration. I beseech them to listen to a proposal which I believe will meet the many difficulties which attend the present unhappy disputes, and remove from the minds of the wise and prudent of all parties in the province, all cause of distrust and discontent. In the full confidence that this proposal will accomplish this purpose, I shall now proceed to detail it to the Committee. Any plan for the pacification of Canada must necessarily have reference to two sets of difficulties, first, while it is so extensive and effective in its reform of abuses long complained of as to satisfy the Canadian people, it must, secondly, also be of such a character as to meet the approval of the people of this country and its rulers, in spite of all their many prejudices, and peculiar interests and feelings. This is certainly a difficult problem to solve. Our American colonies are in the immediate neighbourhood of, and in constant intercourse with, the United States. In those states democratic forms of government and democratic feelings reign triumphant. The people are happy, proud of their institutions, and ascribe much of their well-being to the blessings of self-government. The spirit of this great republic naturally pervades every region of the great continent which they inhabit. The inhabitant of the bleak shores of Labrador, and of New Brunswick, as well as he who dwells under the genial sun of Mexico, is subject to the moral and mental influence of the United States: the people of Canada, both of the Upper and the Lower province, have their minds insensibly fashioned, and their wishes and ideas formed and directed, by the opinions and habits of their happy and powerful neighbours. Thus, as there is a European, so has there been created an American, mode of thinking and feeling; and we may estimate and understand this new sentiment, when we remember that the progenitors of the people who have created it left this very country in which we now are, and landed as pilgrims on the bleak and barren rock of Plymouth, in New England, because they would not suffer any one to dictate to their consciences, or control or coerce their persons, or command their property, without their foreknown and declared assent. This determination has been handed down to their descendants—has been sanctioned and hallowed in their remembrance by the fearful trial of their great revolution—and is, at this day, the political religion of all the people of America, whether they be of English, French, Dutch, German, or Spanish descent. On the other hand, the people of England are a proud people, and, though generous, they love dominion; added to this, their Government, and everything emanating from it, is aristocratic in its character. Here, then, we have two difficulties in our path; first, we have to conciliate the proud prejudices of the people at large, not to affront their acknowledged supremacy and sovereign rule; and, secondly, we must avoid clashing as far as possible with the aristocratic feelings, I may say passion, of their rulers; and while we do all this, we must both rectify the acknowledged abuses of the Canadian government and satisfy the democratic longings of her people. My plan endeavours to accomplish this arduous task, and to avoid these opposite difficulties. It is necessary for me, however, to premise that the plan, as I shall lay it before the Committee, must, to obtain the objects in view, be taken as a whole. The adoption of any part, and rejection of the remainder, will not satisfy the demands of the Canadians. They seek a change of system, not simply a partial alteration as respects one or two abuses. The plan which I shall now submit to the Committee in its entireness contemplates a change of system sufficient to satisfy the just wishes of the colonists, while it in no degree diminishes that superiority about which this House and this country are so peculiarly sensitive. But this effect can be produced only by the adoption of the scheme in all its essential particulars. The proposed scheme, then, refers to the following subjects of dispute:—First, the Legislative Council; second, the Executive Council; third, a General Assembly. So far the plan relates to a change in the present constitution of the Canadas. Fourth, the Finances; fifth, the Tenures Act; sixth, the Land Company; seventh, and lastly, the proposed change in the boundaries of the province of Lower Canada. I would first solicit the attention of the Committee to the changes which my plan contemplates in the constitution of Lower Canada, and our North American provinces generally. Of these changes the first regards the Legislative Council. The Committee have already decided against that amendment of the Council which the people of Canada have themselves solicited. It remains for us to inquire whether some change palatable to the people can be devised, which, at the same time, will meet with the approbation of this House. If this cannot be done, there is no means of an amicable arrangement of the present question. The people of Canada are, from long experience, so thoroughly persuaded of the mischievous nature of the present constitution of the Legislative Council, that their minds are irrevocably made up respecting it. If you refuse them all change in this part of the constitution, you will, in their opinion, determine to continue bad government in

Canada. I speak on this subject advisedly; and, while so doing, I appeal to every person who knows the feelings of the people as to the truth of my assertion, when I say, that unless the Legislative Council be reformed by being made elective, or altogether abolished, the people of Canada will remain discontented—that every thing you do in the way of reform will be viewed with contempt and suspicion, and yourselves with hatred. It is useless to disguise this fact. I do not dwell on this point without great regret; but necessity compels me to press it upon the House, and thus, by reiteration to awaken their attention to it. It must be remembered, that everybody who has yet inquired into the conduct of the Legislative Council has gravely condemned it. The Committee which sat in 1828, condemned it, and recommended what the House a few days since by its resolution adopted, while, by the very same resolution, it tacitly acknowledged that the reform recommended so strongly in 1828, remained to this day unaccomplished. Again, the Commissioners, whose report is now on your table, speak in unequivocal terms of the necessity of some reform, and admit the propriety, at some future day, of making the Council elective. The words of the Commissioners deserve serious attention.

"We have as yet," (say they) "only spoken of those causes of imperfection in the upper chamber which were of an adventitious nature, depending upon the mixed quality of the population, or growing out of the false position which the council assumed, when it charged itself with the duty of supporting the political ascendancy of a minority. To which we might have added the damage it received from the frequent and injudicious compliments that were in former times paid to it at the expense of the Assembly, in the speeches at the prorogation of Parliament, or on other public occasions. We have still to notice the more essential disadvantages, that highly respectable and well-qualified as are many of the individuals who might be found to fill the places of councillors, yet in a new country, where there are no distinctions of title, and few of fortune it is difficult for the mere nomination of the Crown to confer upon any person sufficient importance to maintain him with effect in the position of a legislature that in such a country the people will be little inclined to respect any Legislative body which does not emanate from themselves; and that this effect must be enhanced in Lower Canada by the example of the powerful states which flourish so immediately in her neighbourhood. For these considerations, though we feel ourselves forced to pronounce our opinion against the expediency of an elective council, we should by no means be understood as opposed to the institution on principle; so far, at least, as any country in America is concerned. We will even say that, under more favourable circumstances, at an earlier time, or had less animosity been excited, we can conceive that good might have resulted from the introduction of a principle of election, by appointing a class of voters with a raised qualification; and also providing, in order to secure a due permanence of interest in the province, that the individuals to be elected should be possessed of a substantial quantity of real estate; but we cannot advise the experiment now."

Pages 7—15. They say of the Legislative Council.—

"In the course of these protracted disputes, too, it happened that the Assembly, composed almost exclusively of French Canadians, have constantly figured as the assertors of popular rights, and as the advocates of liberal institutions; whilst the council, in which the English interest prevails have, on the other hand, been made to appear as the supporters of arbitrary power, and of antiquated political doctrines; and to this alone, we are persuaded the fact is to be attributed that the majority of settlers from the United States have hitherto sided with the French rather than the English party. The representatives of the counties of Stanstead and Misisquoi have not been sent to Parliament to defend the feudal system, to protect the French language, or to oppose a system of registration. They have been sent to lend their aid to the assertors of popular rights, and to oppose a Government by which, in their opinion, settlers from the United States have been neglected, or regarded with disfavour. Even during our own residence in the province we have seen the council continue to act in the same spirit, and discard what we believe would have proved a most salutary measure, in a manner which can hardly be taken otherwise than to indicate at least a coldness towards the establishment of customs calculated to exercise the judgment and promote the general improvement of the people: we allude to a Bill for enabling parishes and townships to elect local officers and assess themselves for local purposes, which measure, though not absolutely rejected, was suffered to fail in a way that showed no Friendliness to the principle."

Condemned, then, by all, standing in the way of any permanent settlement of the disputes now pending between the people of Canada and the imperial administration, why should this council be suffered to remain? The House has rejected the proposal to make it elective—will it not give satisfaction to the people by abolishing the council entirely? It is said, in objection to this plan of abolition, that hereby the control of the imperial government will be materially and injuriously diminished. They who make this objection appear very little to have considered the real nature of this Legislative Council, and its actual working in the whole machine of the government. The only actual advantage which the home Government derives from this anomalous body is sometimes the power of proposing amendments to the Bills passed by the Assembly. I allow it to be desirable that the Governor should not be reduced to the alternative of absolutely rejecting measures proposed by the Assembly, or of accepting them entirely and without alteration. It is desirable that he should have the power of saying to the Assembly, " I approve of so much of your Bill, but to such and such parts I object, and for the following reasons. Have you any objection so to modify your measure as to obviate my objections?" This he may now do, perchance, through the medium of the Legislative Council, and this is the only real advantage which is derived by the Imperial Government from the Council. There is, there has been, much talk about making the Council independent—all this, on both sides, I deem to have been erroneous. The object should never have been to make the Council independent. The people have found out their error, and so I suspect has the Government. The true aim of those who wish good government would be to make the Council, or those who perform the functions which the Council ought to perform, responsible. The people have demanded that the Council should at once be made responsible to to them, the people. This demand the House has refused. I now propose a plan by which a sort of joint responsibility should be created, a responsibility direct to the Imperial Government, indirect to the people; immediate in the one case, mediate in the other; and this I propose to effect by means of an Executive Council, to be called the Governor in Council. The Legislative Council being abolished, I have to devise some scheme by which the Governor should possess the power of amendment, which I have already allowed to be necessary. At present he possesses it in an imperfect and roundabout manner. I propose to give it to him in all cases directly and openly, and this is to be effected by the means of the Executive Council. This body is to be composed of the Attorney and Solicitor-general, together with ten Councillors, all to be chosen by the Governor, on his arrival at his Government, and they are to retain their office of Executive Councillor during the pleasure of the Governor. This body is to be called the Governor in Council. The functions of this Council, as respects Legislation I can best describe by following a measure through its several stages. First, a Bill is brought into, and passed by, the House of Assembly. It is then sent to the Governor in Council. It may there be amended, or not. If not amended, it is at once forwarded to the Governor for his assent or veto; but if amended, it is sent back to the Assembly. They either adopt or reject the amendments; and in either case, the Bill is now at once sent to the Governor, and not to the Governor in Council. And on the Governor rests the ultimate responsibility of rejecting or accepting the measure. I must here guard myself against misconception. It must be carefully borne in mind, that no power of rejecting any measure passed by the Assembly is given to the Governor in Council. That body can only amend—it cannot reject. This is a matter of vital importance—so important, that if such a Council should be created, and the power of rejection given to it, no satisfaction whatever could be given to the people, who are now discontented. The grand object of my plan is to concentrate responsibility, and to bring it to bear upon known individuals. The Governor is he whom we seek to render circumspect and careful, and no subterfuge can be permitted by which this object may be frustrated. The plan which I here propose is no novelty, for at this moment it exists in reality in most of our colonies. In most of our Colonies, it is true that two Councils in name exist; but they are in reality composed of the same persons, and are chosen during pleasure by the Governor. I propose to have only one Council in name as well as reality, and to make it dependent directly upon the Governor. The direct responsibility to the Governor is an indirect responsibility to the House of Assembly. The House of Assembly has always been able, in process of time, to direct the conduct of the Governor; and thus, through him, they would eventually control indirectly the Executive Council: thus the joint responsibility, of which I spoke some time since, is effected. By this plan we get rid of a body of persons responsible to no one, whom no one honours or confides in, and who permanently oppose all reforms, whether proposed by the Assembly or the Government. And what evil, I ask, can be done by the abolition of this obnoxious body. The supremacy of this country is maintained even more completely than now by the proposed plan. All the really useful objects that are sought to be obtained by the present Legislative Council are really and effectually obtained by the plan proposed; while all the evils which are acknowledged by every impartial inquirer to result from the Legislative Council would be avoided. What is it, let me ask, that stands in the way of our adopting this measure? Not its novelty; for it is actually existent in most of our colonies—Upper and Lower Canada being exceptions to the general rule: not its want of efficiency for all the ends proposed, for no one, I think, can doubt that it will really effect the purpose intended. What, then, is the obstacle? I fear, a name; an analogy founded simply on the fact of the Legislative Council being a second chamber, and because the demand for a reform in this legislative body comes at the inopportune period when we ourselves are discussing the merits of our House of Lords. But are we to be frightened by a name, and to be driven from our purpose by the shadow of a forced analogy? The House of Lords does itself no honour in supposing that the grounds on which it can be defended are the same as those which must be urged in favour of a body unconnected with the people at large—not engaging their sympathies—not linked to their memories by any associations of glory or renown. If the House of Lords bore the same relation to this House and this country which the Legislative Council of Canada bears to the House of Assembly and the people of Canada, I would to-morrow move for its instant abolition, with a certainty that I should carry my proposal by an overwhelming majority. No; the true strength of the House of Lords lies in their wealth and in the feelings of the people. Veneration for that House has been handed down from one generation of Englishmen to another; and it requires a powerful effort of the judgment—a superiority to established prejudices of feeling and thought, very rare in this or any other country, to throw off our inbred respect for the other House of Parliament; and to see that what has been taught us in our cradle and in our youth are the phantoms of a misdirected imagination—the lusty offspring of what Bentham called "an interest-begotten prejudice." No such power no such hallucination can attach to the Legislative Council of Canada. They are not an aristocracy—have no wealth, no blood, no historical recollections to support them. They are a clique of hungry officials, hated as well as despised by the community whom they plunder. As my whole hope of reconciliation rests upon the adoption by this House of this part of my plan. I have presumed to dwell upon it at greater length than otherwise I should have considered myself justified in doing. But this is the foundation of my whole fabric; if this be not laid, all that follows will be useless labour and words thrown away. This House will, I hope, give me credit for speaking plainly on all occasions—will acknowledge that I never shrink from avowing my convictions, no matter how unpalatable they may prove to my hearers. On the present occasion I would intreat them to put faith in my assertions, and to believe me when I say, that peace will never again exist in our colony of Lower Canada if the rash measures proposed by his Majesty's Ministers be adopted—and that content would immediately follow the adoption of the measure which I have here propounded to the House. If the part which I have already explained meet with their favour, I have little fear for the remaining portions—but if this be rejected, what follows would be utterly useless. Having thus provided a legislature for the colony which would deserve and obtain the respect of the people, all is not effected which is yet required to satisfy the just demands, and to obviate the well-founded complaints, of the Canadians. Up to the present time complaints have been continually made by the House of Assembly of the insufficient mode in which justice is administered in the province. The imperial government is pertinacious and urgent in its demands upon the Assembly, to make the judges independent of popular control, but nothing has ever yet been done to make these said judges responsible to some body, and thus render them active, just, and prudent. I must take this opportunity openly to express my opinion as to the continued appeals of the home government to the Assembly respecting the situation of dependence in which the judges now are, in consequence of an annual vote being required to pay them. This dread of a popular assembly I at once state to be feigned. I think the whole outcry that has been made, a part of a wicked plan to enslave the colony. The desire was, to have a government entirely independent of the people, and the case of the judges has been put prominently forward, because there was some plausibility in the suggestion of making them free of immediate and pressing influences. But the real truth is, that no evil has ever yet arisen in consequence of their present dependence on the Assembly; on the contrary, had they not been so dependent they would all of them have been ten times more useless and mischievous than at present. I am the more strengthened in this view of the case as I find that the quarrel between this country and the provinces now constituting the United States began precisely on the same subject, and in the same manner. The Home Government asked for permanent salaries for the judges and governors, and a permanent civil list. The people vehemently resisted the demand, and eventually turned out in arms rather than accede to it. Untaught by that fatal experiment, again our Government are driving headlong to the same precipice, urging the same mischievous demands, and stirring up by the same means confusion and resistance in our colonies. The similarity of the language used by both parties to that employed in the year 1775, is absolutely startling, and if we substitute Massachusetts or Virginia for Lower Canada, one record would serve for both sets of transactions. It is lamentable to think, that no government will learn by any experience but its own. But in order to allay the discontent on this head, my scheme contemplates a remedy for the evils complained of. The Government has always acknowledged that some tribunal should exist by which delinquent judges might be brought to punishment, but they have continually declared their own inability to frame a competent tribunal. The people have, therefore, very steadily preserved in their own hands the only check they possessed over their magistrates, namely, the annual vote of the Assembly. If, however, a new and efficient means of checking and controlling the judicature could be devised, the House of Assembly would willingly yield up this annual vote, and grant salaries to the judges for a term of years. Now, the method I propose for obtaining this desirable object is as follows:—I propose that a General Assembly should sit at Montreal, composed of delegates chosen by the Houses of Assembly in Upper and Lower Canada, in Nova Scotia, New Brunswick, and Prince Edward's Island. Each province should send five delegates, and the General Assembly should represent the various colonies thus electing them. The term for which this assembly should exist ought to be four years. The most difficult matter connected with this body would be, the describing and accurately defining its separate powers and duties. These ought to relate to two distinct subjects. This General Assembly ought to be both a judicial and a legislative body. The judicial functions ought to be two-fold. 1st. It ought to constitute a tribunal before which the judges of the various provinces might be impeached; and out of the Assembly a court composed of not more than three members might constitute. 2dly, a court of appeal, and perform all the judicial functions now inefficiently exercised by our Privy Council. It would not be difficult to describe accurately and clearly the precise extent of these judicial powers, and the manner in which they were to be exercised. A law of impeachment would be required, together with a code of procedure. But no difficulties of any moment would here obstruct the path of the Legislator. If this tribunal were created for the trial of the delinquent judges, no difficulty would arise in granting them a salary for a term of years. I shall have to speak on this subject when I come to the question of finance, and therefore defer further explanation until I arrive at that part of my subject. The real matter of difficulty would be the defining the Legislative powers of this General Assembly. As the delegates would represent, each of them, the province which sent them, and not the people numerically, this General Assembly ought in its legislative capacity, to be confined wholly to matters affecting the various provinces as separate states, if I may use the term in their case; as, for example, to matters in dispute between two or more provinces—to means of general communication, whether by rivers, canals, roads, or railroads, and, perhaps, the post-office might advantageously be placed under their supervision. Great care and much mastery of language, great jurisprudential science would be needed to frame the law by which the powers and duties of this Assembly would be created. We need not, however, doubt the possibility of drawing up such a law, when we know that the same sort of difficulty had to be encountered, and was encountered, by those who framed the constitution of the Federal Government of the United States. I would here take occasion to remark, that the language so prevalent when Gentlemen speak of the disputes now existing between Upper and Lower Canada, leads to very erroneous conceptions. People fancy that the two provinces are quarrelling with each other, and that Lower Canada is endeavouring to impose upon the upper province. This is by no means the case. The understanding between the two provinces has hitherto been of the most friendly nature, and Upper Canada has, in reality, had no cause of complaint. It can only be for mischievous purposes that certain persons talk of disputes, and endeavour to create ill-will where none now exists. I have now, Sir, explained so much of my plan as relates to change in the political Constitution of Lower Canada and the neighbouring colonies; but, unhappily, I have not yet exhausted the catalogue of disputes and complaints in Canada. Little would have been done towards creating good-will and establishing peace, if we were not fairly to meet and definitely to settle the many difficulties surrounding the delicate question of finance in Canada. The difficulties connected with finance in Lower Canada, are of a twofold description. First—The first relate to the collection and supervision of the revenue. Second—The second to its distribution. I will endeavour to explain, as briefly as possible, the peculiar difficulties of each division, and then state my proposed remedy. When the present constitution was granted to the Canadas, the whole of the revenues of the province of all descriptions were formally and solemnly given up to the Assembly, to provide for the civil expenses of the province. If the Committee will turn to the 32nd page of the minutes of evidence taken before the Select Committee of 1834, and which I now hold in my hand, they will find a message from Lord Dorchester, the then Governor of Canada, to the House of Assembly. That message contains a description of all the sources of revenue in the province. At present there is no dispute about any part thereof, except the casual and territorial revenue, including the land and timber fund. It is contended by those who have so long resisted responsibility to the Assembly, that this casual and territorial revenue belongs to the Crown, and that it never was given up to the House of Assembly. On this point I beg the attention of the Committee to the first paragraph of the message of Lord Dorchester, and to those remarkable words contained therein. "The Governor has given directions for laying before the House of Assembly an account of the provincial revenue of the Crown from the commencement of the new constitution to the 10th of January, 1794. First, the casual and territorial revenue as established, prior to the conquest, which his Majesty has been most graciously pleased to order to be applied towards defraying the civil expenses of this province." Surely, after this, we shall not have it denied, in this House at least, that the casual and territorial revenue was distinctly, formally, and advisedly brought under the control of the House of Assembly by this message. The House of Assembly requires that this declaration of Lord Dorchester should be acted up to; it requires that the whole revenue without reserve, that is, the whole gross revenue; should be submitted to the supervision of the Assembly, so that the people may in no shape be taxed without the assent of their representatives. Various subterfuges have been resorted to in order to withdraw part of the revenue from the supervision of the Assembly; and one of the pretences to this end was repeated by the noble Lord the Member for North Lancashire, and late Secretary for the Colonies. A notable pretence, truly. It is in a few words as follows:—In England the King, as a King, has certain private estates, as much his estates as that of any Gentleman who hears me; what the King now possesses are part only of the hereditary estates of our ancient kings—estates from which they formerly drew their means of subsistence, just as any private gentleman does from his own property at the present day. These revenues the King gives up at the commencement of each reign, and makes an advantageous bargain for so doing; inasmuch, as the revenues derived from these estates are now actually nothing, since the cost of collection quite equals the whole return; but the civil list, which the Monarch acquires, is good solid money to a very large extent. These private estates of the King are called Crown lands in England; but it so happens that all the lands not settled in Canada are also called Crown lands, and because these two things bear the same name they are quietly assumed to be identical. That is to say, the whole of New South Wales, for example, discovered and acquired by the English nation, is the same thing as the King's private estate in Dale; and the Canadas, acquired by the blood and treasure of England, made fertile and valuable by the labour of the colonists, are to be deemed the private appanage of the King. This pretence is too monstrous to be maintained when once explained. What then do I propose to do with the revenues of Lower Canada? I propose, at once, without reserve, to submit them to the control of the Assembly; and I am the more strongly convinced of the necessity of this proceeding by the declaration of Sir George Murray, when Secretary for the Colonies, to the following effect:—In his dispatch to Sir James Kempt, of the 29th September, 1828, he says: "So long as the Assembly is called upon to provide for, and to regulate, any portion of the public expenditure, it will virtually acquire a control over the whole. If the entire charge of the civil government of the province could be limited to the amount of the Crown revenues, it might be possible to act without any dependence on the Assembly. But whether such result would be desirable, or would be really conducive to the welfare of the province at large, it is unnecessary for me to inquire. It is sufficient to say, that under the existing law the executive government of Lower Canada cannot be relieved from a state of virtual pecuniary dependence upon the Assembly by any constitutional means, and methods of a different nature must not be resorted to." Such is the language of a Tory Secretary of State? Would that the Whig Government would imitate his respect for the constitution and the law. If then, it be impossible for the Government to avoid being virtually dependent on the Assembly, I cannot but think it the wisest plan, without subterfuge, or trick, or contrivance, at once to give up the whole revenue, and without bickering and quarrelling, to submit to a necessity from which you cannot legally escape. So far, then, as respects the collection and supervision of the revenue. I now proceed to the distribution; and here I arrive at the great source of all the bitter waters of this painful dispute. The Government unwisely, as I think, being urged by no evil yet arisen, demanded, in a fatal hour for the peace of Canada, a permanent civil list. This was steadily refused while the question of the revenues was left unsettled, and while no tribunal was provided for the trial of delinquent judges. If, however, the tribunal I have already proposed should be established, and if the revenues were honestly given up to the Assembly, a civil list would at once be granted by the Assembly for the term of seven or ten years, to the following officers: the Governor, the judges, the ten senior executive councillors, including the Attorney and Solicitor-General. And lest any doubt should arise as to the fulfilment of this promise on my part, I should desire the measure I contemplate to pass in such a form as that its coming into execution should be dependent on the passing of a civil list by the Assembly. At this time I cannot stop to discuss the accusation so often made against the Assembly, and reiterated by the noble Lord opposite, of breach of faith as respects the civil list. The field I have yet to travel is so extensive, that I cannot deviate from the straight path; but I promise this House and the noble Lord that, before the evening has passed over, that accusation shall be answered, and answered at once and for ever. At this point I may be met with the lamentations respecting the misery of the official people, whose salaries are at this period unpaid; and I may be asked, if I contemplate the leaving these distressed officers in their present unhappy condition. My answer is—pass this measure I propose to you, and, as a part of it, pay the officers out of the English treasury. By this means you will relieve the distress which so bitterly afflicts your official hearts, and you will not outrage the feelings of the Canadian people; but I beg it to be remembered, that I consent to the payment of these people in this way only on the understanding that the plan I propose is adopted. Any payment, without redressing the grievances of the

Canadian people, no matter whether the money is furnished out of our treasury, or that of Canada, would be a gross and flagrant violation of the Canadian constitution, a breach of faith on our part, and an unjustifiable insult to an injured people. On the remaining points of dispute I shall not lay any very great stress at present. The Tenures Act has already been given up by the Government, and the Land Company may for the present be left out of our consideration. Let its claims rest, as they now rest, on an Act of Parliament, and let us not encumber the present question by any special reference to its concerns. If I might be permitted to suggest a course on this subject to his Majesty's Ministers, I would recommend them to enter into negociations with the Land Company. I suspect by this time that corporation is getting heartily tired of its bargain, and would be glad to withdraw themselves from a country in which they are looked upon with no kindly feelings. They would, I fancy, not be backward to accept an equivalent on lands situated in the genial climate of Australia, where no jealousy would impede their progress—where they might found a colony in place of disturbing one. On the subject of the boundaries of Lower Canada, I would entreat the Government to do nothing. They have enough in their hands already in the shape of dispute, let them not add another difficulty to a subject already complicated. They may say, and with some truth, there is land at the mouth of the river St. Lawrence unsettled, and, perhaps, they may propose to create a new government in those parts, and offer lands to the poor emigrants from Ireland. Should they persevere in this plan, I would suggest that they should offer these lands to the Land Company, and perhaps they might then (could they persuade the Company to accept them) allay the discontent that will infallibly arise in consequence of any change of the present boundaries of Canada. But the most prudent course would be, to say nothing of either subject at present, and at the earliest opportunity to endeavour to remove the Land Company to another country. Such, Sir, is my plan for the pacification of Canada—a plan which I believe adequate to the end in view—sufficiently extensive in its reforms to satisfy the just demands of the people of Canada, and containing nothing which ought to alarm or affront the pride of this country. The most important portions of the scheme are actually in existence in many of our colonies, and all that is really novel is rather in opposition to, than in favour of the peculiar and democratic leanings of the Canadians. I am, therefore, at a loss to learn on what public grounds this proposal can be opposed. I can, indeed, easily understand the personal vanity, the private interests, and the ignorant prejudices that stand in my way; but I would entreat his Majesty's Ministers to prove themselves on this great occasion superior to these wretched inducements; and I would also address myself, with all due courtesy, to the noble Lord, late Secretary for the Colonies, and beseech him, if he desire the happiness of his country, the peace and kind fellowship of all our various citizens, to check and subdue in the present instance the bitter asperity of manner and of language which distinguished his address in his attack, (unfounded as I pledge myself to prove it at the fitting opportunity) upon the whole Canadian people, when this perplexing question was last before the House. That address will not soon be forgotten by the colony to which it was in reality directed. The position of the speaker gave it importance. A man who had held a great and responsible office, who had been intrusted with the rule of all our vast colonial possessions, must, by the world at large, who are ignorant of the many secret influences which govern public affairs, be considered as one deemed by his countrymen generally worthy of trust, and capable of shaping his conduct so as to make it accord with the feelings and wishes of the nation which confides in him. The colony, then, looking at the noble Lord's late position — considering also the sort of pre-eminence which he enjoys in his own party — cannot but believe that he expresses the policy of one large section of the English community—and what in their judgment will they think this policy to be? The noble Lord is fond at times of indulging in homely nay (he must pardon me for so saying), even in vulgar illustrations. These sometimes add significance to a sentence which a more polished phrase would not have conveyed. In the present instance the noble Lord accomplished this feat with a very sinister dexterity. "You, (said he, addressing the Ministers of the Crown), you show your teeth, but dare not bite," What will the Canadian people conclude from this *currish* figure? Why that the noble Lord having shown, and pretty plainly, too, his teeth, will use them on the first favourable opportunity, and indulge his snarling disposition by snapping at and worrying the Canadian people. He may soon have the opportunity afforded to him. The Canadians know this, and they therefore will naturally award to the noble Lord's address a greater weight than it deserved from any intrinsic merit of its own. But that which I now aim at is to persuade the noble Lord to "sprinkle cool patience upon the heat of his distemper," to lay aside, on so critical an occasion as the present, the personal vanities of debate and of offices and approach the question before us in a spirit of calm deliberation, of conciliation, and of kindness. Let him extend the sphere of his political horizon—let its circle include the future destinies of a great people, and thus neglect and overlook the petty passions of personal warfare, and despise the poor pleasure derived from making himself disagreeable. He has done but too much mischief already, by the unhappy petulance of his uncontrolled temper; let him, even at this hour, endeavour to repair the evil, by endeavouring to set an example to those whom he has unjustly offended—of one who, in the very height and fury of his passion, yielded to prudent council, and was ready, by forbearance and a hearty desire for peace and good order to do all that he was able, to allay heat and animosities, arrange perplexing difficulties and conciliate contending prejudices and interests. Let the noble Lord do this, and he will turn his former mistakes into the means of acquiring an increase of reputation and respect. Turning from the noble Lord to his Majesty's Ministers, I would at their hands endeavour to obtain a deliberate consideration for the project which I have laid before them. In an evil hour for their own reputation they resolved to tarnish their name by promulgating the wretched ebullitions of despotism which now disgrace our table. Their strength, if they have any, lies in the belief that some men have of their being the apostles of generous and liberal principles of Government. Deprive their supporters of this belief—let the people of England and the world at large once think that this is a mere delusion, and the fabric of their present greatness crumbles at once into the dust. And what, I ask, could be more efficacious towards such a consummation than the proposal which they are about to make, of depriving a people of the power of self-government? And what, I ask, shall we think of that page of history which relates to our posterity that the liberty which was granted by the despotic William Pitt, was destroyed at the instigation and by the power of the so called liberal Government of 1837?—they who framed the Reform Bill, crushed the liberty of Canada—they who desired good Government for Ireland annihilated at one blow the constitution of the Canadian people, and in fervent emulation of Lord North, when he denounced the people of Massachusett's Bay, and with far less palliation than he could offer for his mad career (for the example of that ill-fated minister is before them), they set themselves zealously to work to rear up on the ruins of our colonial dominion another independent nation in America. Again, let me ask, for what is all this atrocious conduct pursued? Does not the noble Lord who proposed these resolutions plainly perceive that he is a tool, and mere puppet, in the hands of others—of others who are now employing his name and power to the furtherance of their own sinister and personal purposes? Does not the noble Lord, when he feels this feel also somewhat degraded by the foul uses to which he has allowed himself to be turned? Let him disenthrall himself—let him trust to his own feelings in this case, and pursue by consistent conduct the reputation he has already acquired. Let him be known in one hemisphere and in the other as the asserter of liberal principles of Government, not as the lover of freedom in Europe, but a despot in America. Before the House decides upon this momentous question, I would entreat them to contemplate for a moment with me some of the consequences that may result from our determinations. In the plan that I have presumed to lay before them I have endeavoured to provide for the future as well as the present. The time must come when the whole of our American possessions shall become independent states; and there are two peculiar combinations that may occur when this happens; one fraught with danger to England, aye, to Europe; the other carrying with it protection to the world at large. If any circumstances should lead the English colonies of America to join themselves with the United States, and thus confer upon that already powerful people an unbroken line of coast from the Gulf of Mexico to the North Pole, and also a territory stretching from the Pacific to the Atlantic ocean—if such an event should happen, a very few years would be required to make the American republic as formidable to all the nations of the earth as was ancient Rome in her days of greatness. But if we could, by care, erect a northen federal republic out of our colonies, to check and control this mighty power, we should act wisely and with forethought. Let us, then, not so anger and thwart these our colonies while under our dominion as to make them turn to the United States for sympathy and support; but let us teach them to act together, to look also to us for kindness and assistance, so that, when the time of separation does occur, we shall still be close friends, aiding each other, and protecting and reciprocally forwarding the interests of both nations. The scheme I have proposed has this end in view; it remains to be seen whether that end meets with the approbation of this House, and whether the means suggested are in their opinion adequate to the purpose intended. If they should agree with me, however, that the object I aim at deserves their approval, I intreat them to pause before they for ever shut themselves out from all possibility of attaining it by adopting the resolutions proposed by the noble Lord. Let them hesitate ere they refuse the means now offered to them of Establishing peace and content in this long-disturbed and ill-governed colony of Canada.

Lord *Stanley* said, that perhaps his noble Friend (Lord J. Russell) would excuse him if he did not attempt to enter further into the general question than to address himself to that part of the speech of the hon. Gentleman which had been directed most pointedly at him. Whatever the hon. Member for Bath might think of that uncontrollable temper with which he had been pleased to compliment him, he could assure the hon. Member that his want of control was never less put to trial than on the present occasion, and his object in now rising to address the House was to give an explanation on one point, which explanation might save the hon. Gentleman and the House some trouble. It appeared by what the hon. Member had said, that he had done some injustice to the House of Assembly. But it was not an injustice which in the slightest degree affected his view of the merits of the question, or its political bearing in relation to the mother country, and the colonies, or the policy that ought to be maintained, or the spirit that dictated the policy which had been maintained. However, from an examination of papers which he now held in his hand relating to the subject, he believed, that the observations which he did make with regard to the House of Assembly were stronger than the facts would seem to justify. He wished to state that at once, in order to remove any erroneous impression. What he had stated was, that at the time his noble Friend, then Lord Goderich (now the Earl of Ripon), brought forward in the House of Lords his proposition on the subject, he did it under a specific pledge from the House of Assembly, by which he was bound to obtain that Act, and to pass those measures which were then considered desirable, and his noble Friend opposite brought forward precisely the same measure in 1831. He believed it would be found then that he had spoken with perfect correctness. He hoped that the explanation he was making would be satisfactory to the hon. Member for Bath and the House as to the degree of error which ought to be imputed to him. In February 1831, the Bill (which subsequently passed in the month of October, the same year) was brought into Parliament by his noble Friend Lord Goderich, being Colonial Secretary, the noble Lord opposite (Visc. Howick) then acting under him in that department, and the question being, whether the House of Assembly were bound by any pledge they had given, in the event of the revenues being handed over to their disposal, to make the desired provision for the Judges, Governor, and Executive, the following was the language used by his noble Friend (Viscount Howick);—"I am willing to admit that these persons (the Judge and Governor) should not be dependent for their salary on the annual vote of the Assembly. The Assembly have recognised that principle; and therefore his Majesty's Government think they are perfectly justified in relying on the good feeling of the Assembly for proper provision for conducting the civil government of the colony. In that confidence we shall leave the whole of the revenues at the disposal of the House of Assembly.* He begged the House to observe in passing, although this related to a subsequent resolution, that under the denomination of "the whole of the revenues," his noble Friend, in precise conformity with the Canadian Commissioners of 1828, did not include the casual and territorial revenues arising from the sale of waste lands. The hon. Member for Middlesex, in the course of the same debate, made use of these expressions:—"It is well known that the Canadian people are determined never to give up the point on which they conceive their whole liberty to rest." That referred to the application of the revenues of the province. "They have, however," continued the hon. Member "been in advance of us, and they have come to resolutions which will be found in the very Report alluded to—they have offered to provide for the civil list on the condition that you give them that command of their revenues which you are now about to do under this Bill," (excepting, as he had already stated, the casual and territorial revenues.) "I quite agree with the noble Lord, that it is better to trust to the liberal feelings of the Canadians than assert your authority over them.* The hon. Gentleman even at that time did not mix up other questions with this arrangement; he considered it as an arrangement apart from the rest; for in the very short speech he then uttered, consisting of but three sentences, he also stated very distinctly and plainly—"The present measure will remove one great cause of dissatisfaction; but I am convinced, from the communications I have had with both the Canadas, they will not be satisfied till they have the election of both the Councils." Not to say that there were not other grounds of dissatisfaction; but they were kept entirely separate from the main arrangement — stated broadly thus—that upon fulfilment of one condition on the part of the Crown, the House of Assembly were pledged by their resolutions to fulfil the other upon their part. Therefore, if he (Lord Stanley) had spoken as regarded the time when his noble Friend brought forward his Bill in May, 1831, he should have been strictly accurate in saying, that the Bill was then distinctly grounded on the condition actually conceded by the House of Assembly of Lower Canada. But it was right he should state—and this was the admission he had to make—that the Bill was lost after passing through the Commons in consequence of the dissolution of Parliament, occasioned by the discussions on the Reform Bill in 1831. At the same time, when it was brought forward in the following Session, in the month of September, the same year, the hon. Member for Middlesex asked if it were the same Bill? and it was identically the same Bill that ultimately passed. It was very little discussed, till it came to the third reading in the House of Lords; and in the interval, this happened. The proposal of the Government had, in the meantime, been submitted to Upper and Lower Canada, when it was by the one accepted, and by the other rejected. This was the admission he had to make with regard to the pledge which had been given as affecting the character of the House of Assembly, and the confidence in which the Government and Parliament of this country had passed that measure. He hoped the hon. Member for Bath would admit, that he had fairly stated how far he had exceeded the strict letter of the fact, and how far, also, he was borne out in his representation by the actual circumstances of the case. In September, 1831, the Legislature of Lower Canada, after referring to the report containing the resolutions by which they were specifically pledged to make this concession on certain terms, proceeded to state, in direct opposition to the hon. Member for Middlesex, "Your Committee cannot, for a moment, presume that the last recited resolution was intended to be acted upon before the recommendations of the Committee of the House of Commons on the civil government of Canada, to whom the petitions of the inhabitants of this province for a redress of grievances were also referred, should have their entire execution." At that time, the House of Assembly in Lower Canada professed to be entirely satisfied with the recommendations of the Committee of 1828; and this singular fact occurred:—Certain resolutions were at that time brought forward, and carried in Committee in the House of Assembly, regarding the constitution of the Legislative Council, which were subsequently omitted from the report, and studiously excluded from making any part of the terms required, and that fact was noticed by Lord Aylmer in a despatch to Lord Goderich. Lord Aylmer stated, that the consideration of the civil list had, on certain specified grounds, been rejected for the present, there being reservations applying to particular grievances still remaining unredressed. The character of the Legislative Council was not one of those grievances, because it was, by the resolution being repudiated by the House of Assembly, excluded from making any part of their case. But there were certain causes stated, and Lord Ripon, in arguing the matter in the House of Lords, and in a despatch to Lord Aylmer, contained in the minutes of evidence, mentioned certain circumstances which had been referred to by the House of Assembly as the ground of refusing to accede to the civil list. He said to Lord Aylmer, and in the House of Lords, "I am satisfied the House of Assembly would have taken a very different view of this matter if they had known that, in the interval between these resolutions and what had passed in England, certain measures which they referred to had actually been conceded by the Government at home with reference to the principal subjects of grievance on which they resisted the consideration of the civil list. Therefore," said his noble Friend, in moving this measure in the House of Lords, "notwithstanding the refusal of the House of Assembly in Lower Canada to deal with this question, I bring it forward in confidence, Upper Canada having acceded to it, and Lower Canada refusing to accede to it on the ground that Government has not taken certain measures which I have since adopted, and which ought, and I believe will satisfy them. I will not abstain on that ground from bringing it forward, as applicable to Lower as well as Upper Canada." The words his noble Friend had uttered, were these:—"If I had considered that these proceedings on their part arose from any insuperable objection, or from any difficulty likely to be thrown in the way of any final adjustment of the question, I certainly should not have been disposed to include the province of Lower Canada in the provisions of this Bill. Of course, if Lower Canada does not pass an act by which this object may be attained, and which will give them the disposal of this money, the subject will remain in the same relation in which it is now placed, and we shall then be under the disagreeable necessity of seeing whether any other mode can be adopted by which the difficulty of the case may be remedied. I do hope, however, that what is proposed will satisfy them, as it ought to satisfy them; I am convinced it is intended to do so."* He stated this with reference to the difficulties raised in the intermediate time by the House of Assembly, exempting them so far from the breach of faith, that at the time the Act was really passed by the Legislature, they had in some degree got out of the obligation they had undertaken by the previous resolutions. But still the matter remained in the same position. The Act was passed in the full, undisguised, avowed confidence on the part of the Legislature, that Lower Canada would perform its part; for the measure passed with a declaration in the House of Lords, that if unhappily they should be disappointed, it should be for the Legislature to consider what different steps should be resorted to in order finally to settle the question. He was anxious to state this at that early period of the debate, because it was the only point, on a careful consideration of all the papers, in which he believed he had at all misstated the facts of the case, but that mistake, so far as it went, did not in his mind, in the slightest degree, alter the view he took of the political bearings of the case in the implied confidence, conditions, and expectations on which the Parliament of Great Britain had been induced to pass the Bill which gave the Legislature of Lower Canada control over the whole revenues, always excepting the casual and territorial revenues of the province.

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* Hansard (Third Series) vol. ii. p. 688.

† Ibid. p. 692, 693.

Lord *J. Russell* was very glad that he had given way to his noble Friend who had just spoken, because it gave him an opportunity of again explaining the grounds upon which these resolutions had been proposed, as well as the general course of policy by which the Government had been guided upon this very important question. It was stated in a former debate, and had been made the ground of a charge against his Majesty's Government, with respect to these resolutions, from two very different quarters, that they were totally inadequate to the object they professed to have in view. Now, in the view that the Government took of the matter, it did not seem desirable, as long as there was any chance of coming to an amicable arrangement, that they should come to the serious and sorrowful conclusion that the Act of 1791 could not be executed, and that they should be obliged either to yield entirely to demands which they considered inconsistent with the relations that should exist between the mother country and a colony on the one hand, or that on the other they should propose to put an end to the representative government of the colony and suspend the constitution of 1791. These were the two courses that might be considered as adequate to the occasion. If they sought upon the present occasion to come to some clear and definitive decision, they would be placed in this position, that according to the opinion of the Government the demands of the Assembly on the one hand were such that they could not yield to them consistently with the relations usually existing between a mother country and a colony; and, on the other hand, they could not propose a settlement which would enable them to carry on the Government for the future without difficulty unless that settlement could be proposed on the basis that the consent of the Assembly should not be necessary to grant the funds that were essential to the maintenance of the government. Neither of those courses was his Majesty's Government prepared to take; because in a matter of so much importance as this—in a matter where, after all, it must be considered that those with whom they were at present at issue upon the subject of these resolutions were the representatives of the people of Canada, representatives declared by the Commissioners to be so chosen, that a greater proportion of Members could not be given to their opponents without doing something unfair and unjust in the distribution of the elective franchise. Contending with those representatives, his Majesty's Government were not willing, as long as they could possibly avoid it, to say that they would come to a final and decisive breach with the House of Assembly, and surrender altogether the hope of carrying on the colonial government on the general principles of the act of 1791. Yet, if he were not mistaken, the proposal which his noble Friend (Lord Stanley) opposite was inclined to favour, was that, which he, when he was a Member of the Government, gave notice of making to the House, and in which he must confess his colleagues agreed. That proposal tended to this result, that if the government of Canada found that the Assembly would not consent to these proposals, and that they could not, in consequence, transact the business of the colony, that then the Government should be able to continue for any indefinite time independent of the consent of the Assembly. His noble Friend had spoken with that view, as he (Lord J. Russell) conceived, of the Act 1 and 2 of the King, commonly called Lord Ripon's Act, being the Act passed in reference to the Canadas whilst that noble Lord was Secretary for the colonies. There was another reason why he (Lord J. Russell) did not think it expedient to propose the suspension or repeal of that Act: it was an Act founded not so much upon any difference of opinion with respect to the particular allegations that had been made by the noble Lord, as with respect to the general policy of founding measures upon such allegations. It was to be remembered that they were standing in the position of a mother country disputing with a colony—a powerful state contending with a power which, in comparison, was of a very subordinate kind. In such a contention it was not advisable to make the disputed point a matter of quarrel or harshness of conduct either on one side or the other. It was not advisable to say to the Assembly, "You held out promises—you gave forth expectations to us—you have not fulfilled those promises nor satisfied those expectations, and, therefore, as a punishment of your breach of faith we impose upon you such and such a penalty." That was a course which in his opinion would be the most likely of all to exasperate. The Act which his noble Friend (Lord Stanley) had alluded to was an act founded no doubt upon the expectations entertained by the Earl of Ripon that a civil list would be granted by the House of Assembly. But though founded upon the expectations so entertained by his noble Friend, and by the Government of which he was a Member, the granting of the civil list was not made any part of the condition on which the Act was passed. The act of the British Legislature did not state that the certain concessions were to be made to the House of Assembly upon the condition that a civil list should be granted for the maintenance of the provincial government—it stated nakedly, freely, absolutely, that for the future the sums in question should be applied by the Assemblies of the province. He knew that it was the advice of some—of Sir James Kempt in particular—that the condition should be made before the revenue was parted with; but the Earl of Ripon thought it right to reject that advice, and the Government and Parliament of the day agreed with him in the propriety of not acting upon it; and the act as it now stood upon the statute-book—he had read it over and over again—simply acknowledged, that for the future the Assembly should have the disposal of the Crown revenue. Now, if they repealed or suspended an act of that kind, upon the special ground that the House of Assembly, upon certain allegations that had been made, and which were matters of circumstantial proof, had not kept faith with the mother country, it would be a mode of proceeding the most likely of any either to produce an ill-feeling between the mother country and the colony, or make the colony and every individual member of its Assemblies feel that he was attacked for a want of honour and good faith, make him resent the imputation, and maintain, as members of popular Assemblies, were apt to do when speaking as the representatives of others, that what had been done was not a breach of faith, but the result of a conviction of what was due to the people of a colony which had been treated with injustice by the mother country. It was with a view to avoid that question, which he thought the most likely of all to excite angry feelings, that in bringing the question before the House he had stated it entirely upon general grounds. He stated, that it was the opinion of the Government that the propositions made by the House of Assembly were not consonant with the constitution of a colony, that they differed from the Assembly upon that point of opinion, that upon that point of opinion they could not agree with their demands, and therefore, they asked the House of Commons, and the Imperial Legislature, to state their opinion upon the point. In that question he imagined there was nothing that ought naturally to provoke or irritate an ill feeling in the colony. The colony no doubt would say, that their demands ought to have been granted by the Imperial Legislature, but the colony could not say that the Imperial Legislature had acted upon any other than those general political grounds which, without affecting the personal honour or character of the Assembly, were the fair and legitimate grounds upon which the general government and general legislature of the British empire might be conducted in reference to any of its dependencies. Having stated thus much with respect to the inadequacy of the propositions made on the one side, he came next to the propositions made on the other side, and which had been stated at the commencement, as he foresaw it would be, with the utmost ability, and in the manner most likely to persuade the House, by the hon. and learned Member for Bath (Mr. Roebuck.) The statement of that hon. and learned Gentleman favoured the views of the House of Assembly. He must, however, apply to the statement of the hon. and learned Member for Bath this reflection, which appeared to him to be decisive, that although if they decided against the demands of the House of Assembly, and the House of Assembly should say, "The Parliament of Great Britain having, by a great majority, put a negative upon our demands, we will point out other methods by which we are ready to co-operate in the government of the colony in accordance with the views of Great Britain"—although, in such a case it would be the duty of a Minister of the Crown to listen anxiously and carefully to every proposition that might be made, yet he must say, that after so long and so protracted a discussion with the House of Assembly of Canada, it would not be prudent—it would not be dignified—it would not be safe for them to accept the representation of the hon. and learned Member for Bath as a representation of the terms, even if they were desirable, by which the House of Assembly of Lower Canada was disposed ultimately to abide. Commissioners were sent out by the King to inquire into the alleged grievances of the colony; and the Assembly, on various occasions, from the time of their arrival to the last time on which the Assembly entered into a debate, spoke of the Commissioners as wholly unauthorised persons, having no right to interfere in any of the affairs or any of the concerns of the colony. He would read to the House the words, not very decorous or becoming, he thought, employed by the Assembly towards these persons—persons of high character and station commissioned by the King.

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* Hansard (Third Series) vol. vi. p. 1186-1187.

The Assembly said,—

> "The presence in the provinces of certain pretended authorities, whose powers and attributes are not to be found either in the constitution, or in any law, has so often been alleged by your Excellency, and by the executive authorities in the metropolitan state, as being of a nature to retard to a future period the restoration of order and the introduction of those improvements demanded by the people, that we cannot refrain from here making a few general observations which must have attracted the attention of every public man. We believe that this House is the legitimate and authorised organ of all classes of inhabitants in the country, and that its representations are the constitutional expressions of their wishes and of their wants. We believe that the impartial use we have made of the powers vested in us for the protection and happiness of all our fellow-subjects ought to have secured to us due confidence when we solemnly exercised those high privileges. It must, however, have been the result of an unjust distrust of this House, and the people of this province, that his Majesty's Government has rejected our prayers to defer to the opinions of a few individuals, strangers to the country, the fate of which was thereby committed to men whose vague and subordinate mission could not be acknowledged by any independent authority recognised by the constitution, the spirit of which his Majesty is particularly desirous to maintain."

Such was the manner in which the Assembly spoke of his Majesty's Commissioners. If they refused so absolutely, so continually, and so peremptorily to point out their grievances to the Commissioners appointed by the King, were they to be told that the Commons and Lords of England were to accept from the hon. and learned Member for Bath a representation that he was authorised finally to adjust all the matters in dispute, that the solemn, deliberate, and repeated assertions of the Assembly were not to be taken as expressive of its wish, but that all the proceedings of the Imperial Parliament in reference to the colony, should be founded upon the representations of the hon. and learned Member for Bath? Ably and skilfully as the hon. and learned Gentleman had stated his proposition, he could not but feel that even if it were a proposition upon which it would be desirable to found the future government of the colony, if they were to alter and vary their resolutions according to such a proposition, the Assembly of Lower Canada might fairly and justly say to them "We told you that you were to look to the House of Lower Canada alone as the representatives of Lower Canada — we utterly deny anything that has been said by any Member of your House of Commons—we repudiate, reject, and disavow every statement that he has offered—we call for an elective Legislative Council—we call for a responsible Executive, an Executive responsible to the elected Assembly of the province, and removable upon their address; and to any other terms we will not consent." Such might be the answer of the House of Assembly of Lower Canada, if the House of Commons were to say, that it was prepared to adopt the proposition of the hon. and learned Member for Bath. He came then to the question of what would be the best course for the Imperial Legislature to pursue. In considering the point, it would be necessary for him to make a few observations on some parts of the statement made by the hon. and learned Member for Bath. It appeared to him (Lord John Russell), that the best manner in which they could proceed would be to consider and to agree to the resolutions which he had had the honour to propose to the House. Those resolutions did not, as the hon. and learned Member for Bath stated in the first debate upon this question—the resolutions did not look merely to the supplying the wants of the judges and official persons, who had now been several years without that support, and that payment which they had a right to expect; they went to other points—they went to points on which the House of Assembly had chiefly dwelt—they declared fully and decidedly the opinions of the House of Commons on those points; and when the House had taken the means, which he thought it ought to take, for relieving the embarrassment of the judges and official persons whose salaries had not been paid, there would then arise an occasion on which the House of Assembly could fully reconsider its position. The hon. and learned Member for Bath had stated, taking a tone somewhat different from that which he had adopted the other evening, that the Assembly of Lower Canada, or rather the people of Lower Canada, would raise the standard of revolt, and place themselves under the government of the United States of America, Now, his (Lord John Russell's) conviction was, that it was not the interest of the people of Lower Canada, to seek to place themselves under the United States of America. His conviction was, that they would then be less likely to have their own wants and wishes consulted, their own habits and customs considered and attended tó, than they were at the present moment. His opinion also was, that the United States of America would not be anxious to seek a quarrel with Great Britain in such a question. He thought, therefore, there was every reason to expect that the Assembly, on receiving the resolutions of the House of Commons, and knowing its determination, would then fully and deliberately reconsider their position, and, awakening themselves to a sense of the advantage of living under a mild and free government, subject only to very light and trifling taxes, having the disposal of their own revenues for the advancement and improvement of their own local concerns and interests, no part of them being appropriated to the advantage of the empire of Great Britain—and considering how little there was of real practical grievance, and how much of their former resolution had been owing to the then existing excitement and exasperation—would either altogether abandon their former propositions, or state their wishes in a manner in which it would be possible for the Government of this country to come to a final and satisfactory agreement. With respect to the other points on which the hon. and learned Gentleman had touched, he owned that he very much agreed with him—indeed he agreed with almost every party in that respect, that the Legislative Council of Lower Canada had not answered the purposes and objects for which it had been instituted. To show what these purposes and objects were, it would be sufficient to quote a part of the constitution of Lower Canada which never had been enforced, but which served to show the intention, the *animus*, with which a portion of that constitution was formed. He alluded to that part of the constitution of Lower Canada, whereby it was permitted to his Majesty to grant hereditary titles and honours, and hereditary estates to such individuals in the colony as might suit his royal pleasure. At the time that that constitution was granted, there were two great principles striving for the mastery in the British Legislature. On the one hand, it was contended, that aristocratic privileges were the security of every good government; and on the other there prevailed a notion more false as he thought—that aristocratic privileges ought everywhere to be done away with. One side of the Legislature said, "let us have everywhere an aristocracy;" the other side said, "let aristocracies every where be abolished." That was the prevailing quarrel in Great Britain at the time, and it entered, as might have been expected, into the acts passed for the future constitution of the colony. He thought, that in practice, the constitution, so impregnated with the spirit of the quarrel that occupied the attention of Europe at the time, had not been found an advantageous constitution for Canada. The Crown had not always elected the most distinguished persons in the colony to sit in the Legislative Council, and it was questionable whether there were any of sufficient distinction to be admitted to hereditary honours. Therefore, it was not on the excellence of the Legislative Council of Lower Canada, that he took his stand, or founded the resolution he had proposed to the House. That resolution was an answer to the demand of the House of Assembly for an elective Legislative Council. What was the demand? It said, they expressed their constant and unalterable conviction, that the present opposition between the Legislative Council and the House of Assembly could not be ended until the principle of popular election should be introduced into the constitution of the Legislative Council. Now, it was that demand of the House of Assembly to which the first resolution that had been carried, was a decision of the opinion of this House of Commons. This House thereby declared, that the adoption of an elective Legislative Council in the colony was unadvisable. With respect to the opinion which the hon. Gentleman had given, that instead of doing everything possible to make the Legislative Council an independent body, acting upon its own views, it ought to be a body connected more immediately with the Crown; that was a suggestion which he certainly thought worthy of the utmost consideration. He should have himself supposed, that the opposition to that suggestion, if he had made it at an earlier time, would have come rather from the representatives of popular opinions in the colonies than from others. If the Assembly were to say, that they should prefer a Legislative Council in which were persons who held their seats either for a certain period of time, or during the pleasure of the Crown, he thought it would then be well worthy of consideration whether the constitution of Lower Canada was, as it at present stood, equal or superior to those constitutions which had been established in our West India colonies in former times. His hon. Friend had just reminded him that in our other North American colonies the Members of the Legislative Council did hold their seats during the pleasure of the Crown. But were that a good amendment or were it a bad one, it was not an amendment which could be considered as complying with the requisition hitherto made by the Assembly of Lower Canada; who had demanded, not that the Members of the Council should be placed more under the control of the Crown, but that they should be directly responsible to the people. The Committee of 1828 thought that the Legislative Council should be made independent; but he had always doubted the wisdom of that recommendation, because, while he saw the advantage of having the principle of independence in a Legislative Council where there existed all the elements—as in this country, for example—for constituting an independent Assembly, or Council, or as it might be a House of Lords, he was not convinced of the advantage of having an independent council, where that council could not be formed of persons who were naturally qualified and pointed out to be members of such an independent body. The hon. Gentleman had spoken of the situation of the judges. He would read presently the proposition which it was intended to submit to the House, as to the constitution of a joint Committee between the two provinces of Upper and Lower Canada; but he must refer for a moment to the conduct which had been pursued by the House of Assembly with respect to the judges. The Crown of England had declared its willingness to permit the judges to hold their offices during good behaviour, and not during the pleasure of the Crown. The Assembly were willing to adopt that proposition; but, while doing so, they adopted a proposition of their own—namely, the salaries of the judges should be voted from year to year by the Assembly. From the spirit which had been shown by the Assembly, he could not foresee any other result from that proposition than this, that while on the one hand the judges were to be made independent of the Assembly, on the other hand, occasion was to be taken year after year—according to the opinions, according to the judgments, according to the conduct of those judges in their tribunals—of diminishing, taking away, or of agreeing to vote in favour of, their salaries. The proposition which he and the Government made upon this subject was connected with the establishing of a joint Committee for the two provinces; and it was proposed to constitute not that joint Committee itself a tribunal, but to give that Committee the power to form some tribunal, before which accusations against the judges could be brought. He would now repeat the various important subjects which it was proposed should be referred to that joint Committee. He did so, because he thought, if he rightly collected the import of the hon. Gentleman's observations, that the hon. Gentleman did not differ from the opinion that a joint Committee, or some body of that kind, might form a most important element in the future government, and tend towards the future prosperity of those provinces. The joint Committee was to consist of twenty-four members; eight to be appointed by each Assembly, and four by each Legislative Council. The duties of this joint Committee, as had been stated on a former occasion, were to originate laws that were to take effect in both colonies, for the regulation of the duties of export and import in the commercial intercourse between the two provinces, for the regulation of drawbacks, for the improvement of the navigation of the St. Lawrence, for establishing insolvency courts, for constituting a general court of appeal, and for establishing a court before which impeachments of the judges and other officers of the executive might be fairly heard and decided. It would be seen that the last of these subjects comprehended one upon which the hon. and learned Member for Bath had spoken. He would next address himself to another point which had been alluded to by that hon. Gentleman, namely, the Land Company. The hon. Gentleman, when speaking on this subject, h d laid down positions with respect to the revenues of the King of England which he (Lord John Russell) should hardly have expected from such an asserter of freedom as the hon. Gentleman. The hon. Gentleman had laid it down as a position, that there were certain revenues of the King of England which were as the revenues of a private individual. Now, that was not the doctrine of the constitution of this country. It was not the doctrine that the King held private revenues which he might dispose of as a private individual. If such had been the case—if James the Second had held those revenues as a private individual, it would have been unjust to have taken them away from him; he might have continued —notwithstanding any fault or crime he committed—to hold those revenues, and Parliament would not have settled them upon William III. They were the revenues of the Crown of England; they were revenues belonging to the Crown, out of which the Crown was to provide for the public service. In the course of events, the Crown had been unable to provide, out of those revenues, both for the household and dignity of the Crown; and likewise to provide for the army, the navy, and other things for the service of the country. Hence had arisen an arrangement between the people and the Crown, by which the Crown surrendered its revenues during the life of the sovereign; and the country took possession of them, and in return made certain grants to the Crown. The hon. Gentleman, therefore, had reasoned from an incorrect analogy in this respect. These revenues of the King of England were the revenues of the Crown; and so likewise were the revenues which were held in Canada and other provinces, such as the land revenues of the Crown in Canada. It was a pretension never before put forth, and certainly not supported by any argument, that the Assembly of Lower Canada should say:—"We are constituted by the Act of Parliament of 1791; and although there is no clause in that act which gives to us the possession of the land revenues of the Crown—and although the only clause that there is bearing on the question has a tendency directly the other way—yet the Crown is entirely deprived of any control over those revenues, and that by the simple fact that the act of 1791 having passed, we are entitled to the whole control over these lands in the colony." He could not assent to that doctrine. He did not think it could be maintained; and certainly he thought that all the lawyers, of any authority, were it necessary to quote authorities, held a directly opposite doctrine. However, he did not think, after all, that as a matter of practical government, there would be found a very great difference between the Assembly and the Government appointed by the King; because, if he understood the hon. Gentleman aright (and indeed, in that respect, it appeared to him that the hon. Gentleman was supported by the resolutions and addresses of the Assembly themselves), what the Assembly desired was, that the management of these land revenues should be considered as a matter of public concern, and that while that management was in the hands of persons appointed by the Crown an exact account should be given by them of the receipts and appropriation of those revenues. With respect to that, he (Lord John Russell) did not think, if all the other subjects of difference were arranged, there would remain much matter in dispute on that point. It was once the intention of Lord Ripon, and he believed it was also formerly the intention of Lord Aberdeen, and Lord Glenelg had since stated, that it was his intention, that all the colonial revenues should be subject to the general control of the Assembly, provided a certain civil list were settled. But when he said this, there was one point upon which there might be a misunderstanding between the hon. Gentleman and himself. When he said, that the civil list should be settled, his notion was that the Assembly should agree to a certain civil list either during the life of the King or for a certain term of years; and upon the expiration of that civil list, then the casual and territorial revenues should revert to and be at the disposal of the Crown. But he believed the understanding on the part of the Assembly, when his proposition was originally made, was, that they were to come at once and for ever into the control of the casual and territorial revenues, at the same time that the civil list would only be settled for some ten years, perhaps; and at the expiration of those ten years, the civil list was to cease if it should so please them, although the casual and territorial revenues were still to remain under their control, and not revert to the Crown. Now, that was not his understanding with regard to the settlement of this question. His understanding with regard to a settlement which should be honorable to the Crown, and safe for the future government of the colony, was, that whatever period might be fixed for the civil list, if at the period of renewal a new civil list was not made, then the casual and territorial revenues should revert to the Crown. Upon this point he thought that the different colonial secretaries that had during the last five or six years held office under the different Governments that existed in this country in that space of time, entertained no difference of opinion; and that they were all willing to concede to this arrangement upon the understanding and upon the terms which he had now stated. He thought that upon these various points the result was, that upon the general statement between the hon. Gentleman and himself there was not a very wide difference of opinion. But if these questions came to be settled in terms, and came to be laid down in propositions which were to be finally adopted, a difference which did not appear in their general opinions might arise, and no arrangement could be concluded. He therefore arrived at the same result which he stated in the beginning—that he was most anxious that there should be a final, a pacific, and a satisfactory settlement of these matters, but he was not disposed to postpone, delay, or abandon the present resolutions. He did not wish to ask for any power by which the government of Lower Canada could go on for the next twenty or thiry years, but in the meantime, keeping the Assembly in a state of continual and perpetual hostility. He had stated one argument already with respect to the repeal of Lord Ripon's act; he might now state a few words additional upon that subject, which he thought must occur to any one on reading the last despatch laid before this House from Lord Gosford. He there stated that the duty raised under the imperial act of the 14th Geo.3rd. was 47,602*l.* in 1835, and in 1836 it was only 28,432*l.*, being a decrease of 19,170*l.* Lord Gosford stated, that the principal decrease was under the head of importations from the West Indies—the diminution chiefly arising from the quantity of mixed rum being consumed by the Canadians instead of the genuine West India rum. That was a statement solely relating to the finances of the province; but he begged to observe the effect which this financial fact might have upon political affairs if this country were to say, "We will rely upon these duties for the management and government of Lower Canada, and will not look to any grants from the Assembly." Whatever other consequences might ensue, those which occurred in the beginning of the contest with our North American colonies would inevitably result from this line of policy. Those people who had aleady diminished by nearly one half their usual consumption would say, "We will not consume those articles by which these revenues are obtained. We will not oppose the Government by arms, by riot, or by insurrection; but, as far as abstinence and non-consumption, we will oppose the Government by that means and endeavour to prevent the Crown from obtaining a revenue for carrying on the government of the colony." This was a most impolitic, he would add a most degrading, manner in which the Government of a great country like this should carry on the affairs of one of her colonies. He would say, that upon every ground, as long as it was possible to delay matters; upon every ground they ought not to endeavour by impolitic and inefficient means to maintain the government of the colony in spite of the House of Assembly; upon every ground of this kind they ought not to adopt a measure by which they would be declaring their determination in future to carry on the government of the colony independent of the Assembly. It might happen that when the House of Assembly should receive the decision of the Parliament of this country, they might decide that that decision formed a sufficient ground for accommodation, or for some new proposition. It might happen, however, that they would persist in their original demands, and continue to refuse any other terms whatsoever. If they should take this latter course, he thought they would by their own conduct put an end to the operation of the constitutional act by which the Canadas were governed; but he thought no blame would be imputable to the Crown and the Legislature of this country, if in those circumstances they were to endeavour to carry on the government of Lower Canada by other means than those which that act had provided. But until he was thoroughly convinced that this would be the case he should use the only means in his power of healing the question, by stating as clearly as he could the reasons why it was impossible for him to concur in the demands of the Assembly of Lower Canada; at the same time expressing a hope that there might be means still of accommodation, having said this much he would only add, that the resolution then immediately before the House referred to one of those demands which he thought it was utterly impossible for them to agree to; it referred to the demand that the Executive Council of Lower Canada should be responsible to the House of Assembly, and should be removable in the same manner as the Ministers of the Crown in this country were—that was, removable when it lost the confidence of that Assembly. It was obvious that if the House agreed to a demand of this kind, they would have an inferior and independent government in Canada. It might be a wise provision for a mother country, but it was not a wise provision for a colony. It was quite impossible to have a governor there acting by the orders of the King, and to say, at the same time, that he was to be guided by responsible advisers, but that those responsible advisers whom he should choose should be under the control of the House of Assembly. Therefore, in proposing this resolution, he was not going any further than was absolutely necessary in order to preserve the connexion between a mother country and the colonies.

Lord *Stanley* wished to ask a question of the noble Lord. Treating as these resolutions did of a variety of different subjects, it was quite impossible to mix them up in one discussion, or to come to one decision upon the various subjects involved in them. He wanted to know what course in fulfilment of these resolutions was intended to be taken by his noble Friend. He wished to know which of the resolutions was to be made the subject matter of those Bills which it was absolutely necessary should be introduced and passed in order to give them the slightest effect. The first resolution required no Bill at all; but the fifth resolution, which they were now discussing, ought to form the subject of a separate Bill. He was quite satisfied that it was not advisable to subject the Executive Council to the control suggested by the House of Assembly. If the noble Lord meant to follow up this resolution with a Bill to enforce it, he should not object to the general statement in the resolution, that it was expedient to adopt means of improving the Executive Council of Lower Canada. If no Bill was to be introduced, he should protest against being mixed up with anything like an implied pledge of the kind. If the noble Lord intended to bring in a Bill on the subject he would not say one word more upon it; if, however, he did not intend to bring in a Bill, let the noble Lord at once state to the House the precise modifications intended to be proposed by the Government. As to the other concessions, if they were not followed up by Acts of Parliament they would be nothing more nor less than so much waste paper. With respect to the present resolution there was a considerable degree of vagueness, both in point of form and substance.

Mr. *Roebuck* was surprised that the noble Lord did not make his objection before they agreed to the last resolution. He should have asked, before the last resolution was put, what measures were to be founded on it, and whether an Act was to be introduced.

Lord *Stanley* replied, that in the Report of the Committee of 1828 it was distinctly declared that the composition of the Legislative Council did not require the interference of the Parliament by Legislative enactment, as its composition could be improved in the degree required by the sound judgment of the executive. On this ground he did not think that any legal enactment was required.

Mr. *Roebuck* begged to remind the noble Lord that the Government did not state that it adopted the resolutions of the Committee of 1828. The Executive Council was created by Act of Parliament, and not by the Crown, and therefore would require the agency of the former to alter its constitution.

Lord *John Russell* stated, that it certainly was his intention to bring in a Bill to carry into effect the changes he proposed in such cases as required an Act of Parliament. This would not be necessary in all cases. He would, however, mention one as an instance. It was proposed to exclude the judges from sitting as members of the Executive Council, and this would be effected by a Bill.

Mr. *Ward* said, that it was hardly possible for him to express the pleasure he felt at hearing the early part of the speech of the noble Lord, but this had been damped by the latter part of it. It was not without great pain that he listened to the noble Lord when he alluded to the intention of adopting steps for the enforcement of the suggestions embodied in their resolutions. He differed from the hon. and learned Member for Bath on one point — namely, as to the principles he laid down for the disposal of waste lands in the colonies. He differed as much from his hon. Friend on this point as he did from the noble Lord on the necessity of subjecting Canada to a violation of the constitution of that country with a view of putting an end to the unfortunate differences which prevailed there now. His hon. and learned Friend proposed that the control over the whole of the waste lands in Lower Canada should be in the House of Assembly and Legislature of the colony. He thought this was a most important subject, and the House should be made fully aware of the consequences that might result from pursuing an erroneous course on this point. He did not believe that the power of disposing of the waste lands of Lower Canada vested in any other authority than in the Crown of England. He acknowledged the right which the charter of 1791 gave the colonists to the land which were brought within enclosures; but he did not acknowledge their right to those lands which were not reclaimed: on the contrary, he believed that the title to them vested in the Crown. At present, however, they were at the disposal of the Parliament of Great Britain; for in 1830 his Majesty made a surrender of these lands on the settlement of the Civil List. In the speech from the throne he said, "I place without reserve at your disposal my interest in the hereditary revenues and in those funds which may be derived from any droits of the Crown or Admiralty, from the West-India duties, or from any casual revenues either in my foreign possessions or in the United Kingdom." By this arrangement it was clear, that the control over the waste lands in the colonies was transferred to the Parliament. Parliament, however, had never yet exercised the right of stipulating as to the disposal of waste lands in the colonies, but left the matter to the control of the Colonial-office. This was a course which, in his opinion, would lead to much evil, and he thought that a sufficient control should be exercised to prevent the land being made over for the purpose of peculation and jobbing. He could only consider the resolutions as a whole, and as embracing the principles upon which the Government thought that Canada should be governed. Now, his objection to these resolutions was, that there was nothing in them calculated to lead to a permanent settlement of the dispute with Canada. He saw nothing in these resolutions but a power of making temporary provision for the payment of the arrears of salary due to the Government functionaries in Canada; and this was done in such a manner as to render it a direct violation of the constitutional charter of the colony of 1791. In fact the resolutions were nothing more nor less than the abrogation of the Canadian constitution. It was an act of power which they had no right whatever to enforce. By the constitution of 1791 nothing could be more distinct than the sacrifice of all right of taxation in Canada on the part of the Legislature of this country. No distinction could be made between the disbursement of funds belonging to the colony in the hands of the receiver-general of the colony and the imposition of a tax. The eighth resolution declared, that for the purpose of defraying the arrears due on account of the charges of the administration the balance in the hands of the receiver-general of the colony shall be devoted to that purpose. This resolution attacked the only mode by which the Colonial Assembly was able to check the abuses of the Government of Great Britain. They had no annual estimates; they had no army or navy estimates to vote; they had no means of checking the executive unless by stopping the supplies in the way they had done; and immediately they resorted to this constitutional check, the Government turned round and threatened to deprive them of the rights which the English Parliament had conferred on them. This was not a struggle whether or not there should be a Government, as had been alleged, but whether the constitution of the colony should be sacrificed in the way proposed. It was said, that the functions of Government must be discharged, and these persons must be paid their salaries. The Canadians were just as much interested in the existence of a Government there, and indeed a great deal more so than the people of this country. The question was, whether or not the Government should be responsible? and then the question arose, to whom? Whether the heads of the department in Downing-street should have an accession to their authority, or those who were most interested in the question? He should wish to see the means of enforcing responsibility in the hands of the Canadians. He was satisfied that Government had no right to interfere with them in this case. The constitution of 1791 placed the right of voting the supplies in the hands of the House of Assembly, and when the Government found the exercise of this right and power objectionable to them, they turned round and attempted to subvert the constitution. As the resolution now stood, it would seem only calculated to exasperate the House of Assembly, whilst at the same time it would be absolutely necessary to have the aid of this Chamber to carry it into effect. He might take this resolution as the substance of the proceedings that the Government intended to pursue. The sixth resolution confirmed the charter of the North American Land Company. Now he could not help saying, that the mode of disposing of land by this company was one of the most objectionable that could be acted upon. The seventh resolution, which related to the tenure of land in the colony, and the ninth, which proposed to transfer the control of the hereditary revenues of the Crown to the House of Assembly, in the latter giving a permanent civil list, was also objectionable. The tenth resolution contained a great variety of subjects, and nothing could be more extensive than the matters referred to in it. He therefore said, that the resolutions would irritate the House of Assembly, which was the only body by means of which this House could enforce sound government in the country, and this certainly was not the soundest mode of proceeding that could be adopted. There were many disputed points which would not be settled by these resolutions; at the same time the constitution of 1791 was violated in the fullest degree. It was the abrogation of that constitution. By the proposed arrangement the Government merely stepped in and paid off the arrears of the salaries of the judges and other civil functionaries of the colony, but no provision was made for future cases. The House of Assembly, therefore, might for the future refuse these grants on the same ground that they had been refused for the last three years, and that House might again be called upon to interfere in the same arbitrary manner as at present. He did not think that they were pursuing a prudent or statesmanlike course in adopting the resolutions of the noble Lord—he thought that it would be the wise and more prudent course if, as had been suggested by his hon. and learned Friend, the Member for Bath, they first met the demands of the House of Assembly. As the strongest power, we should without hesitation make a conciliatory offer, and as such we should be subject to reproach for sacrificing a point of honour. The whole question was, whether we were right or not? Had we justice in our demands or not? He had had an opportunity of visiting the most extensive irresponsible Governments that had occurred in colonies — he meant the Spanish colonies in America. Nothing could be more degrading than the system of Government pursued by the mother country towards them. Everything was settled in the mother country, and everything was sacrificed for the promotion of her interests. There was plenty of nominal responsibility in the government of these colonies, but there was none in reality. The result was, that the greatest dissatisfaction existed in them; and such was the extent of this feeling, that the very first instance that an opportunity offered itself, the colonies threw off the yoke of the mother country, and the whole power of Spain crumbled away in a year. There were no kindly feelings—none of those attachments which he hoped would always exist between Great Britain and those states which had been her colonies. All the feelings of these colonies were of one kind, namely, of detestation to the mother country. To our North American colonies, before we forced them to separate themselves from us by our tyrannical proceedings, we gave almost the full power of governing themselves. Privileges were extended to them by the Stuarts, without the slightest hesitation, which we refuse to the people of Canada, such as the nomination of the Executive Council. It appeared, that out of the thirteen American colonies, not less than eleven possessed the right of appointing the Executive Council. Could anything be more loyal than those colonies before the attempt was made to deprive them of their privileges?—and they would have been unworthy of them if they had not resisted that attempt. This was also the case in Canada. He did not believe that it was possible to perpetuate the connexion between a mother country and her colonies; for when a colony grew to a certain extent, and became ripe, it would drop off. The object, therefore, should be always to separate in such a manner that there would be a continuation of kindly feeling between the mother country and colony. He would, therefore, implore and entreat the Government to suspend these resolutions. The Ministers and that House should again make overtures for an accommodation. He cared very little for the dignity of the House, but was most anxious for the welfare of this colony. He, therefore, called upon the noble Lord to pause and to consider before he carried these proceedings into execution whether they would be satisfactory to the colony and to his well-wishers in the country, and promote the welfare of the empire.

Mr. *Robinson* reminded the noble Lord, that he told him what would be the consequence of postponing the consideration of these resolutions, and he now saw the result. When the resolutions were first brought forward, they were considered in a full House, and this, of course, would have its effect in the colony; if, however, they passed the House when such a small number of Members were present as then occupied the benches, they would have little or no effect in the colony. He thought that it was a most unwise course of proceeding. He knew that the object of the hon. and learned Member for Bath was delay, and he did not blame him for the course he had taken; but he could not help finding fault with the Government for so readily yielding to his demands. The hon. Member for Bridgewater said, that he would oppose the resolutions by every means in his power; and now the noble Lord had an opportunity of seeing, that when a delay was asked for, on the ground that there was not sufficient information before the House, it was intended that the moral effect of passing these resolutions by a large majority should be taken away; for if they were agreed to in a House like the present, when not one-fifth of the Members were there, they would have little influence in the colony. The Commissioners, indeed, in their Report, stated that the effect of the course taken would depend on the state of the majority by which it was sanctioned in that House. With respect to the subject matter of debate, he must observe that it was of too much importance to allow of its being mixed up with personalities; he should therefore, cautiously abstain from anything calculated in the slightest degree to irritate the feelings of any man. The hon. and learned Member for Bath, instead of going into the examination of the resolutions, proceeded to propose some project of his own for governing, not merely the colony with which the learned Member was connected, and the affairs of which were then under consideration, namely, Lower Canada; but the whole of our American colonies. The hon. and learned Member, as the agent for Lower Canada, had a right to get up in that House and express the sentiments of the persons he represented; but he must express his surprise that the hon. Member claimed the right of expressing the sentiments of the inhabitants of all the American colonies. He denied, that the hon. Member had the slightest right to speak in the name of those colonies. When the hon. Gentleman said, that he demanded this, and denounced that, and assented to something else, he wished to know on what authority the hon. Gentleman spoke, and what right he had thus to address the House. The hon. and learned Gentleman said, that his Majesty's subjects in the North American colonies were essentially democratic. He denied the truth of that statement. There was a party, and undoubtedly a powerful party, in Lower Canada which was thoroughly imbued with democratic principles; this he did not pretend to deny for a moment; but such sentiments were not entertained by the inhabitants of either Upper Canada, Nova Scotia, New Brunswick, or Prince Edward's Island. He distinctly denied the truth of the statement, and could positively assert that his Majesty's subjects in those North American provinces were perfectly satisfied with the constitution under which they lived. There might occasionally arise some minor points of discussion between the inhabitants of these colonies and the governor, or the Colonial-office, but the feelings of the people were not at all in unison with those of the inhabitants of Lower Canada. He should like to know what authority the hon. and learned Member had for saying, that the King's subjects in Upper Canada, in Nova Scotia, in New Brunswick, or in Prince Edward's Island, sanctioned the suggestion which the hon. Member had made as to the future Government of our North American colonies? He again denied, that the inhabitants of any of these provinces were desirous of being parties to any such arrangements as those recommended by the hon. and learned Member. The hon. Member for St. Alban's had attempted to make out an analogy between our North American colonies and the Spanish colonies in South America. But he would undertake to say, that there was to be found in history no instance of a more rapid and striking advance in knowledge, civilization, and prosperity, than had been made by our North American colonies. In proof of his assertion, that there existed in Upper Canada nothing of the feeling of discontent with its Government which prevailed in Lower Canada, he would read a resolution agreed to by the House of Assembly of Upper Canada last year. That Resolution declared, that "his Majesty's subjects in Upper Canada require no other protection than that which is afforded them by the laws and constitution they now possess, and the superintending power of the great empire of which they are proud to form a part; and notwithstanding the forebodings of disappointed and discontented men, fresh evidence is given day by day of the invariable attachment of the people of this province to the King and his Government, and they never permit a doubt to enter their minds of the permanency of their union with the parent state." After this distinct declaration on the part of the Representatives of the Upper Canadians, the hon. and learned Member surely could not persist in stating that the people of that province participated in the sentiments which he, as the Representative of the Lower Canadians, had so often expressed. There was equally good authority for stating, that the inhabitants of Nova Scotia, of New Brunswick, of Prince Edward's Island, were perfectly satisfied in all main points with the Government, and constitution under which they now lived. On no one occasion had any of these provinces given utterance to a wish either for a change in their Government, or still less, for a separation from the parent state. As regarded the Legislative Council, the hon. and learned Member, it must be admitted, was perfectly consistent with himself, though he went somewhat beyond the Lower Canadians, for while they only required that the Legislative Councils should be rendered elective, the hon. and learned Member called for the abolition of the body altogether. The Executive Council was to be retained, but the hon. and learned Member only proposed to leave it a suspensive power; for if the Executive Council dissented—and dissent was the only alternative permitted from any measure sent up from the House of Assembly, then the House of Assembly and the governor were to be empowered to settle the matter between them, without consulting the Executive Council any further about it. A similar miserable tampering with the constitution had been suggested by the hon. and learned Member in reference to the House of Lords here, whom it was proposed to deprive of the right of exercising their independent legislative functions, and to invest them, in exchange for this, with merely a suspensive power. In fact, the two propositions might be looked upon as forming parts of one great plan of a change in the constitution contemplated by a certain party in the House. The hon. and learned Member had taken upon himself to designate the members of the Legislative Council, a set of hungry officials. Now, he begged to tell the hon. and learned Member, with all due respect, that there were many Members of that Legislative Council, who would think themselves very far from highly honoured by a comparison being instituted between them and certain Members of that House. As to the waste lands, he was perfectly ready to admit, that the House of Assembly were entitled to a control over the revenue arising from the sale of these lands; but this was quite a different thing from the claim set up by them of arrogating to themselves, in exclusion of the Crown, the right of selling or otherwise disposing of these lands. This was a claim which he would never sanction; and he did not at all understand on what foundation it rested. The Canadian constitution had now been in existence for many years; but the discovery of the alleged right of the House of Assembly to the disposal of these waste lands, was a very recent affair. In 1796, when the King, in a message to the House of Assembly, formally asserted his right to dispose of these lands, the claim was admitted, without any difficulty. On what ground was it disputed now? The simple fact was, that the French party in Lower Canada, seeing the happy effects arising from the present system of government, and from the operations of the Canada Company, were apprehensive that the fair and judicious disposal of these lands, inducing extensive immigration from that country, would so swell the British population, as effectually to destroy all pretence for the ridiculous idea of nationality now entertained by the French party. There was one other topic on which he wished to make a remark, namely, as to what had fallen from the hon. Member for St. Alban's, in reference to what he called an infraction of the constitutional rights of the Lower Canadians, the dealing with the money now in their chest. He readily admitted that this was a proceeding only to be justified by some imperious necessity. The question was, did such an imperious necessity exist? In his opinion it did. The hon. Member for St. Alban's said, that the only means which the Lower Canadians possessed of effectually opposing a government which they disapproved of, was precisely the stoppage of the supplies; but he would put it to the House to say, whether the Lower Canadians were invested with this power for the purpose of enabling them to make war upon the Government—of overturning the constition under which they exercised all the rights they had been admitted to the enjoyment of? The Act of 1791 was passed in favour of the Canadians by the spontaneous will of Parliament. He did not mean by this to say, that this Act had not all the force and validity of a compact, but he wished to point out, that at the time Canada was conquered by this country, she possessed no legislative rights whatever, and that all those which she now possessed, and of which the stoppage of the supplies was so prominent a feature, were conferred on her spontaneously by this country. Was it to be asserted that the Lower Canadians were making a justifiable use of this important privilege when they attempted to employ it in overturning the constitution which had been bestowed on them? Surely not. The eighth resolution only affected monies which had been raised with public concurrence for public purposes; and to no purpose more essentially public could they be applied than the one contemplated. The hon. and learned Member for Bath had taken upon himself to state, that the Canada Company were in anything but a flourishing condition; that their shares were at a discount, and that they would be highly delighted to get rid of them; and he had also been good enough to throw out to them a suggestion as to how much better it would be for them to transfer their operations to South Australia, or some other colony, anywhere rather than in Canada. He could assure the hon. and learned Member, that the Company would not adopt any one of his suggestions, and were quite prepared to controvert his statements. The Company were quite content to remain where they were, resting secure in their Act of Parliament, and on their charter; and he might observe, that although he was glad the noble Lord opposite had introduced among his resolutions one confirmatory of the validity of the Company's title, yet, without offence to the noble Lord, he would say, that the title of the Company already rested on the best and strongest foundation, and he would boldly state, that no Company ever existed, which had done more good to the country in which its operations were carried on than had the Canada Company. He reserved to himself the right, at a future opportunity, of defending the Government for having chartered that Company. In conclusion, he said, he supported the Government in their present course, because he believed all other means of conciliation had been exhausted.

Mr. *Grote:* The hon. Gentleman who spoke last expressed his regret that Government had delayed these resolutions so long as they had. He took a different view of that circumstance, and, on the contrary, rejoiced at the delay, thinking that Government would thereby have an opportunity of reviewing some of the most prominent points in these resolutions. He regretted much that they had not been induced to alter their course. The language of the noble Lord (Lord J. Russell) who had passed over the eighth resolution was, that he did not perceive the tendency of the eighth resolution. It insulted the people of Canada, and went to deprive them of all chance of good government for the time to come. The noble Lord took credit to himself for not repealing the Act of William 4th. This resolution did more, for it disposed of the whole revenue of Canada, without the consent of the people, and subverted all those maxims on which good government had been always considered to rest. The noble Lord knew the history of England. He must recollect that in the time of the long Parliament Lord Strafford advised Charles not to call another Parliament but to bring over the army from Ireland. "Your Majesty," said he, "has made trial of all legislative measures of conciliation. Nothing, therefore, now remains but to have recourse to arms, and you are justified in employing them." The noble Lord (Lord J. Russell), for the first time since the reign of Charles, made use of similar language. The hon. Member who spoke last said that the hon. Member for Bath proposed an entirely new plan. But these resolutions embraced a new system of government for Canada, and the hon. Member for Bath was, therefore, justified in proposing a substitute. He proposed a means of control over the Legislative Council, and gave the House of Assembly a right to vote and dispose of the revenue. In his (Mr. Grote's) opinion the proposals of the House of Assembly should be acceded to. First, as to the Legislative Council, he had heard much less of argument upon that branch of the subject than when the hon. Member for Bridgewater brought forward his motion. The noble Lord did not show any decided objection to a change in the Council, as proposed by the hon. Member for Bath. There were only two parties interested in the subject—the people of Canada and the people of this country. The Assembly would be quite sufficient to maintain the interests of Canada, and the Governor might maintain the interests of the mother country. The hon. Member who spoke last spoke of an analogy to the House of Lords. He did not entertain the highest opinion of that Assembly; but he would not degrade the House of Lords by a comparison with the Legislative Council of Canada to the House of Lords. He thought that the members of the Legislative Council might with greater truth be likened to the aldermen for life of our old corporations. The hon. Member for Worcester had also alluded to the division of the population of Canada into two distinct races, and had contended that the Legislative Council was necessary for the protection of the minority. He could not admit any such necessity. The House of Assembly represented not only the majority, but the whole of the population of Canada, and though the decisions of that body were necessarily determined by a majority, the interests of the minority were not the less duly represented. If, indeed, a separate legislature was to be established for every separate class or minority, every principle of a representative government would be totally disregarded. Those hon. Gentlemen who maintained such a doctrine with regard to Canada were bound, in consistency, to apply the same principle to Ireland, and to support a proposition for the repeal of the Union. It had been asserted by some hon. Gentlemen, and he found the statement recorded in the report of the Canada Commissioners, that the population of the colony was not homogeneous. Now he must declare that he could discover no proof of the existence of any antipathy in the different classes of the population to one another. Indeed all the evidence which he knew of went to establish the direct contrary. He thought the proposition of the hon. Member for Bath, a material improvement in the demands of the House of Assembly. Every person who desired the continuance of the connexion between this country and Canada must admit the expediency of giving the governor a *veto* upon the decisions of the House of Assembly. But what he protested against was the interposition of a third body, which, though called independent, was in reality subservient to an exclusive and *quasi* aristocratic interest. There was another point connected with the consideration of the present subject of the highest importance; he alluded to the disposal of the provincial revenues. The control over those revenues ought to be vested in the House of Assembly, for if it were placed in other hands there would exist no security for good government in the colony. He should vote against the resolutions of the noble Lord; and, considering the feelings which these resolutions were likely to excite in Lower Canada, he could not imagine how the noble Lord expected to be able to govern that colony in future. He desired an amicable termination of the existing differences, but such a result would be hopeless should the resolutions proposed by Government be adopted. He, for one, would never consent to the employment of force to maintain the connexion between the mother country and the colony, whenever that connexion became onerous to the latter; and he protested against the resolutions, because they tended not to conciliation, but would oblige the Government either to continue in a course of coercive measures, or to make a dishonourable retreat.

Mr. *Patrick Stewart* thought that if Ministers had entertained any doubt with respect to the policy and expediency of the present resolutions they might gather comfort from the shape and character which the opposition to them had at length assumed. He believed that if the wishes of the hon. Member for Bath were acted upon, the institutions of Canada would not be liberalised but revolutionised. Some hon. Gentlemen had indulged in rather gloomy predictions of the consequences which would result from the adoption of the present resolutions. He trusted that these predictions would prove false, but should they unfortunately be verified, it would then be for the Imperial Parliament and the Crown of England to put forth its power, and take such a course as might be deemed advisable. The hon. Member for St. Alban's said, that we had no right to interfere with the local Government of the Canadians. Why, the House of Assembly asked the Parliament to alter their constitution. Besides, the assertion of the hon. Member for St. Alban's was directly at variance with the doctrine laid down by Burke, Sir J. Mackintosh, and Lord Brougham, who maintained that the colonial assemblies were subordinate to the legislative assembly at home. Indeed, Lord Brougham, in his "Colonial Policy," gave absolute power, in cases of necessity, to the Imperial Parliament over the colonies; but he understood that this was one of the repented sins of that noble Lord. In the work which he had just mentioned, Lord Brougham, speaking of finance, attributed the great power of the House of Commons to the right of withholding supplies, which almost always prevented the negative of the Crown being exerted in great Britain had the following passage:

"It appears very clear that the relation of dependency which a colonial Establishment supposes could never be secured by a delegation of that authority to the Governor, or an extension of those rights to the people which give energy to the Executive power, and secure complete liberty to the subjects on this side of the Atlantic." "To take one example only of the radical difference between the two systems, the influence of the Commons, from their power of withholding supplies, which almost always prevents the negative of the Crown from being exerted in Great Britain, and is, indeed, the great corner stone of the British Constitution, has almost no existence in the colonial system. Accordingly every measure proposed by the Colonial Legislature that does not meet with the entire concurrence of the British Cabinet was sure to be rejected in the last instance by the Crown. So that whilst the directing influence of the people of Great Britan prevents the Crown from exerting its constitutional prerogative, and in a great degree regulates all the operations of the Royal authority, in the colonies the direct power of the Crown, backed by all the resources of the mother country, prevents any measure obnoxious to the Crown from being carried into effect, even by the unanimous efforts of the Colonial Legislature, and indirectly obtains from it all the measures that are desired." "Nor is this political arrangement, which altogether reverses the balance of the powers in the Government of the colonies, the consequence of any arbitrary or accidental part of the system. It is essential to the dependence of the colonies, and a necessary part of their subordinate constitution. It is the legal mode of enforcing subjection, consistently with the forms of the British Government."

Were they then to be told that they were interfering by these resolutions with the privileges of the People? The case was, that one of our seven American colonies demanded of the mother country a transfusion of Republican principles into the system by which it was governed. As to there being any analogy, as had been attempted to be drawn between the case of Canada and that of our dispute with America, he denied altogether the similarity of the two cases. In the dispute with America the mother country had almost the unanimous voice of the American population against her, while here she had only a fraction of a colony demanding a change in the local system of Government contrary to the spirit of anything that existed in the British Constitution. He was surprised, from the general tenour of the evidence, that the hon. and Learned Member for Bath should have considered it necessary to have the report of the Commissioners printed, which consisted chiefly of the evidence given by Monsieur Morin. That Gentleman in reply to question 560, which said:—

"If you elected the second Chamber, and found that, having elected the Second Chamber, the obstacle to the popular will was the sovereign power not elected, is it not in the course of reason natural that you should wish to proceed to elect also the sovereign power?"

That Gentleman, in reply to this question, said—

"I have not heard many opinions expressed upon that subject, but I will take the matter even with a larger view. If, in the course of time, it was found that the interests of the colony were so widely extended, and so diversified, that a dependence on a Government at a great distance could not provide adequately for the good Government of the country, then it might be reasonable to suppose that, in a friendly manner, on one part and on the other, the necessary change would take place. This has been the result recorded by history in all times, and in this manner all nations have been formed. The powerful empire of this United Kingdom was a colony of Rome. But this question relates to a time that has not yet come, and the country have not expressed a wish for an immediate separation from Great Britain. As to what would be done under the circumstances alluded to, he would not pretend to say. But we are sincere in our wish to preserve the connection between both countries, and it is for that we seek here the redress of abuses."

How, then, could it be said that it was the object of the Canadian people to obtain American institutions? The only thing showing any feeling of this kind was in Mr. Papineau's address to his electors, in which he said.

"A local responsible, and national Government, to decide on peace and war, and commercial relations with the stranger, that is what Ireland and British America demand; and this is what, before a very few years, they will be sufficiently strong to take, if others are not sufficiently just to give it to them."

The scheme of his hon. and learned Friend, the Member for Bath, was not one for preserving the limits and balance of the British Constitution, but one for conferring the Republican institutions without relinquishing the advantages of British connexion. He did not believe that Canada wished to enlist with the United States; the method of enlistment of the latter, was not agreeable to them. His hon. and learned Friend had stated, that the Legislative Council had been denounced by every authority in Canada which had sat in judgment on it; he should have excepted the Legislative Assembly itself in the year 1828. His hon. and learned Friend had said, that the Legislative Council was a bar of obstruction to every good measure; he denied that, and attributed all the evils which had ensued, to the grasping disposition and proceedings of the Assembly itself. The Legislative Council was accused of rejecting good measures. Now this was owing to two practices of the Assembly; the first, that of huddling a great number of measures, good or bad, into one Bill; the second, that of rejecting the whole of a Bill so composed if a single alteration had been made in it by the Council. The House had already disposed of the proposition that the Council should be changed, and now they were asked to abolish the Council altogether,—to abolish the Council, and to leave the Assembly triumphant, perhaps tyrannical. He thought the House would rather preserve the peace of the colony, and adhere to the resolutions of the noble Lord. He would address the inhabitants of Lower Canada in the language used to the American colonists by Mr. Burke; in that language he would address them, and say, "We view the establishment of the English colonies on principles of liberty, as that which is to render this kingdom venerable to future ages. In comparison of this, we regard all the victories and conquests of our warlike ancestors, or of our own times, as barbarous vulgar distinctions, in which many nations whom we look upon with little respect or value, have equalled, if not far exceeded, us. This is the peculiar and appropriated glory of England. Those who have and who hold to that foundation of common liberty, we consider as the true and only Englishmen. Those who depart from it, whether there or here, are attainted, corrupted in blood, and wholly fallen from their original rank and value. They are the real rebels to the fair constitution and just supremacy of England." Such was the language he would address to the Canadians. The House he would entreat to recollect, that there were six other North American colonies, that there was a population of 1,300,000 persons whose opinions and interests would be neglected, sacrificed, and deserted if these demands were conceded. His hon. and learned Friend he would implore to use his influence to render a further exertion of power by Parliament unnecessary; as he must well know that, in any event, it would be attended with great sacrifice by the Canadians.

Mr. *Leader* reminded the noble Lord who so much desired to see an overwhelming majority in support of these resolutions, and who expected that they would meet with that degree of support from the House that all the Bills of Lord North—all the measures which succeeded in exasperating the American people in the last age—were carried by overwhelming majorities. He maintained, that the present position of Canada tallied exactly with the former state of the North American colonies under parallel circumstances, with this most important addition, that the Canadians had at their doors a very powerful nation, well disposed to afford them aid should they commence an active struggle to maintain their independence. The noble Lord had said, that the people of Lower Canada were really very happy, if they would but think themselves so, and that, if they had any sense, they would be contented with their present condition, instead of, by their present and other threatened proceedings, running the risk of much worse consequences. Why, this was precisely the language held in the former case, between which and the present, he (Mr. Leader) saw so exact a parallel. In a King's Speech of that day almost the very same words, and certainly the sentiments, of the noble Lord were anticipated. But if the Canadian people were so peaceful and happy, why attempt, by the introduction of arbitrary principles in their treatment of them, to put an end to that so much vaunted tranquillity? This was no more a party question. It was a question whether or not the Canadas should be retained under the dominion of the British Crown by such an administration of their affairs as would temper indulgence with firmness. The proposition of the hon. and learned Member for Bath, did seem to him to be in an extraordinary degree conciliatory, when the circumstances of aggravation were considered. It seemed to be an excellent plan for the pacification of Canada, in answer to which the Government had nothing to offer but their resolutions, which were alike objected to by their supporters and their opponents. They were founded on no principle whatever, but were merely an expedient to put off the evil day. Too strong for conciliation, they were too weak for coercion; and, feeling as he did that it was useless to ask the Government to re-consider them, all that he could do was solemnly to enter his protest against them.

Sir *Love Parry* could not agree in the condemnation which the hon. Member who had just sat down had passed on these resolutions; on the contrary, he hoped that the people of Canada would see that they were really adapted to the exigencies of the case, and would receive them, accordingly, in the spirit of thankfulness. He confessed, that he expected this result, for his long and intimate knowledge of that people led him to believe that there were not in the whole range of the dominions of Great Britain, a more loyal and attached people than the people of Canada, when allowed to think for themselves. If they had wished to revolt from Great Britain, and go over to the United States, they had ample opportunities for gratifying that desire during the last war; but, so far from their having attempted such a thing, they had preserved a consistent loyalty and attachment to the British Crown. He maintained that the privileges of the Canadians, as British subjects, had been always respected, and that they enjoyed every national liberty and political consideration that good and loyal subjects could desire. That they had had grievances was true; but it was also true, that the greater part of those grievances had met with redress; and as for any that might remain, it was quite evident, from the tenour of the fourth of these resolutions, that it was the determination of the Government to afford them every rational and safe means of alleviation. He hoped—nay, he felt assured—that Canada would, like another dependency of the British Crown—Wales—become amalgamated with the empire in feeling, as well as in name, and that before long, all present motives of discontent would die away and be forgotten.

Mr. *Charles Buller* felt regret at prolonging the discussion, because it seemed to him that the longer it was protracted, it was conducted with the worse temper. By temper, he meant the spirit in which the House approached the question, and he certainly thought that they were legislating upon this question in ignorance, in passion, and in indifference, in a national and perfectly excusable indifference, arising from ignorance, and in ignorance that very naturally fomented and excited passion. To this he himself pleaded to be as guilty as any Member in that House could be, for it was but within the last three or four days that he had seriously and sedulously applied himself to the consideration of this question, and he now felt that he should be incurring a very heavy responsibility if he gave the assent of silence to these resolutions, as he had already given the silent assent of absence. When he talked of the indifference of the House, he alluded to that indifference which was so very natural when the interest was so very remote from this country, and when he spoke of ignorance, he meant that ignorance which generally sprung from the impossibility of mastering complicated details, in which individuals took little or no interest. For the results of this ignorance, however, should the acts arising from it be productive of fatal consequences, he could not help saying this House would not be to blame. Upon his Majesty's Ministers would rest all the awful responsibility of precipitate measures; for they were, or ought to be, in full possession of the necessary details. They were morally responsible for the present resolutions and their results; but he was glad that he was addressing himself to Ministers who had a character to maintain in the country—who had already shown themselves amenable to the opinions of the people, and had had the magnanimity, on more than one occasion, to retract their errors. It appeared to him, however, that the conduct now proposed to be pursued by Ministers was not merely a repetition, but a servile imitation, of the blunders of a former age; and he was bound to say, that principle, which came with consistency from the Grenvilles and the Norths, came with a very bad grace from the political successors of those whose whole senatorial career had been a defence of the rights of the colonists of North America. The "gagging" Acts and the Irish Coercion Bills were nothing to the present proposition. Crimes, though they were against freedom and law, they were certainly lower in the category of guilt than the wholesale measure now proposed—a plan for destroying the constitution of a country, and for suspending the rights of a people. There had been suspensions of the Habeas Corpus Act—Acts had been passed for the suppression of particular associations, to restrict the liberty of the press, nay, even to inflict *ex post facto* punishment on individuals; cases had arisen in which it had been necessary to proclaim martial law in whole districts—but all these had been measures partial in their operation—Acts operating upon individuals, or, at most, but for a short time, operating upon the rights of bodies of men, so that as soon as their operation ceased, the fundamental principles of the constitution remained as sound as ever. But here a blow was aimed at the constitutional rights of a whole population—at the very root of the principle of a representative government; and the result would be, that confidence would no longer be placed in those who could inflict that blow. The present proposition, in fact, was the first instance since the American war of an exceptional measure against the rights of a whole country. Here the House was called on to proceed, not against a small knot of violators of the public peace, or against a turbulent and overbearing press, but against the constitutional rights of a whole nation, expressed through the medium of their lawful representatives. If this kind of interference with the privileges of nations was allowed, there would soon be no right safe from might, and no longer any respect for that sanctity of honour which should hedge the majesty of an imperial legislature. And these resolutions were useless to effect what would seem to be their ultimate object—the utter abrogation of the representative rights of the Canadians. Why leave the Canadians the form of representation, if you coerce their representatives in the exercise of their functions? All would at least agree that before coercive measures were resorted to, conciliation should first be tried. But this had not been done. It seemed that while certain grievances, the existence of which was at the time admitted by the Noble Lord, were under discussion, the Canadians discovered, that their main grievance consisted in the constitution of the House of Legislative Assembly. The noble Lord said, they were wrong in their view, and in the demands they built upon it; but were their blunders any excuse for our injustice? Were we to oppose unreasonable, unstatesmanlike conduct to their unreasonable demands, merely because they were unreasonable? At all events, let us have the advantage, if there must ultimately be a quarrel, of entering upon it with right on our side, by having first tried all means of conciliation. The ground of dispute was really very simple. It rested entirely on what should be the Constitution of the Legislative Assembly, for the question that had been passed as to the Executive Council, was entirely dependent on the other. Now, with respect to this Legislative Council, it seemed quite clear that the colony did not afford materials for an aristocracy, and, therefore, not for a Legislative Council. The very constitution of the Legislative Council showed this, besides their admitting the Judges as Members—a practice itself contrary to the principle of our Constitution. The real aristocracy of Canada consisted in the transient Scotch and English merchants. One of the most distinguished members of the class of which the Howards and the Russells were here the representatives, was an ironmonger—an individual eminent in tenpenny nails; another was a substantial pig merchant, eminent in sausages, and great in curing hams. This being so, it did seem to him that the Legislative Council might be altered without affecting the dignity or shaking the foundation of the House of Lords in this country. It seemed to him, that the proposition of the noble Lord was an act of violence to the Constitution of the country. He called on the House in the absence of any explanation of the motives of the noble Lord, for refusing to state his reasons for opposing the proposition of the hon. and learned Member for Bath, not rashly to enter into a course of violence of which they did not know the end. He did beg Ministers and the House to consider this, that, be the consequences of their present conduct what they might—whether they led to revolt, whether they were successful or unsuccessful, or if they so far succeeded as that the colonists did not revolt, but only hated the mother country — Ministers must ultimately succumb before the load of unpopularity which would press upon those who would be charged with a course of misgovernment ultimately destructive of our interest in the colony.

Mr. *Roebuck* must acknowledge that the manner of the noble Lord and the language of his speech were quite conciliatory; nothing could be better in these two respects, but, nothwithstanding these, there lurked under them the painful reality—the same insult and deep injury to the Canadian people, who would not be conciliated by gentle manner and gentle tones. The noble Lord had heaped injury and insult on a whole nation, by telling them that, in spite of the remonstrances and the acts of their representatives, he would do with them what he pleased, because he did not consider them worthy of self-government. An hon. Member had charged him with a wish and an intention to raise a flame in America. He would ask that hon. Member what he could gain by raising a flame in America? All his best interests lay in that country. He was connected with that country by the strongest ties; it was for his interest that there should be an amicable connexion between Great Britain and Canada; and how could he separate his interests from those who were in favour of good government, and who anxiously wished to bring about a proper reconciliation? He had been designated as a firebrand by an hon. Member. A firebrand! Who was the firebrand? The mover of these resolutions, whom he and others had supported as a Minister, and had raised and kept in his present position. And who had supported the noble Lord in this? Why those who delight in seeing him pursue that course; those who know that he has rushed into a violent path without duly considering whither it may lead. Theirs will be the profit—his the shame; and they will get office by the violent resolutions they encourage him to carry. He and the party with whom he acted had done all they could to support the noble Lord; and what had been the return? The noble Lord's friends in carrying the present measure were the Gentlemen opposite. It would be carried, through their support, in that House, and it would go like fire through the other. He would say the measure was a disgrace to a liberal Government, and nothing like it had been sanctioned by any Government since the days of Lord North: He was the worthy precursor of the noble Lord—he was a fit subject for emulation; and strange it was, that statesmen never learned wisdom, and that the fatal lesson read to the former Governments of England were of no use now. That, too, was done by the very party who first stood forward in the cause of freedom, and who had so long been the friends of liberty. He asked the noble Lord what possible benefit could be derived, what could be obtained, by these resolutions? Why, he would be able to pay a few officials for a period of years. And was that all? Yes. But the evil which he would cause would be far greater, and far more lasting; for he would thereby destroy his own reputation—he would destroy the reputation of the administration—he would foment a desire in a whole people to dissever the connexion with England — and drive them to the fixed determination, on the first favourable opportunity, to separate themselves from the mother country for ever. Now the noble

Lord might take what he was about to say for certain: the people of Canada had no revolt in view; the dominion of England was a dominion of opinion. America was held by love, and when that was gone the power of England there crumbled into dust, and shame be to those who might cause such a result. But he would state facts because he knew what the people of that country were, and the noble Lord had described that course in a single line, which he had read that evening, that had spoken volumes. The customs of Quebec had diminished one-half by the change which had taken place in the feelings of the people; and he could tell the noble Lord that the people of Canada, on learning these resolutions, would assemble under the signals of their leaders, for they foresaw what would happen. They would assemble and pass a non-intercourse act, similar to that of 1775. It would become the religion of the Canadian people not to take a single piece of goods, and they would persevere in that till they gained their ends. [*Hear, hear.*] An hon. Member cheered, and said they would punish themselves. The same was said of the people of Massachusetts. That might appear wonderful to the hon. Member, but it was a fact—the people of Massachusetts endured years of misery, but they persevered and obtained their purpose, and left the benefits of their patriotic conduct to their descendants. When the contest began the people of North America did not exceed two millions and a-half. Under their own Government they had increased to thirteen millions; and that under the best constitution in the world; and he could tell the noble Lord further, that on the first war with America not a month would elapse before ten thousand rifles would issue from that country to settle the question, and on the first outbreak that precious Land Company would go over. It was strange and inconsistent that while the friends of Canada were doing all they could to settle the dispute amicably, the noble Lord was doing all he could to insult and vilify the people of that country. He must take the consequence. If he persevered in such a course he must not reckon on the support of those called Radicals; and why, because he believed they should get much more if the right hon. Baronet were in power. He very much doubted if the right hon. Baronet were in power, that, with his wary prudence and caution, he would carry out these resolutions. He would not say he would not; but he very much doubted it. He observed that the right hon. Baronet and Gentlemen on the opposite side were very silent on certain questions; they never risked an opinion on liberal measures put forward on his side of the House if they could possibly avoid it. They acted so that they might come into office with clean hands. He had no doubt, if the right hon. Baronet were to get into office, one of the first acts of the Government would be the repeal of the penny stamp; and the next would be an amicable settlement of Canada. The Radicals could get more from Gentlemen on the opposite side than from the Government. He did not know what could be worse. The right hon. Baronet, the other night, gave a description of the state of the country—he adverted to difficulties in the colonies—he asserted there was no government, and no laws passed. There were no laws passed but illiberal laws—nothing was done for the advantage of the people; and it was hard that the noble Lord should show by his acts that the only measure he could carry was a measure of coercion for Canada, while he could do nothing for Ireland. Such was the course pursued; and it was his conviction that it would be better to give up the support of the Government than submit to such treatment. He did not say that out of any party spirit, for he would oppose the other party as much if they acted as badly. He hoped the noble Lord would think on the subject, and endeavour to make up his mind to some plan which would ensure good government. He did not wish to stir up the people of Canada; but he told the noble Lord and the House what would happen. The same language as that used against Canada was used against America. Day after day, and night after night, were similar discussions carried on in the time of Lord North—similar resolutions laid on the table, and similar plans of coercion, till they were surprised by the announcement of the loss of the colonies. He could not find out the noble Lord's object. He had been turning the subject about in his mind in every way, and he could not discover what the noble Lord was driving at. What would the noble Lord do next year? Did he think the Canadian people would be better disposed after the soothing process to which they were about to be subjected? It would be better to say to them at once, "You are unworthy of taking any share in the government of your country; we will deprive you of your constitution." They would understand that such must in the nature of things be the ultimate step that would be taken with reference to them, and the House might depend upon it they would not relax their efforts until they had obtained the freedom enjoyed by their neighbours. The authority of Mr. Burke had been quoted. A passage to which great weight had been attached, had been cited from his work on colonial government. He would beg to remind the House of a passage in the same distinguished writer, which bore upon the difference between the propositions contained in the resolutions of the noble Lord and the substance of the amendment which he had moved upon them. He might say, in the language of Mr. Burke, "I offer you a simple plan; that the other is perplexed. This is mild; that is harsh. This has been found by experience effectual for its purpose; the other is a new project. This is universal; the other only *pro hac vice*." He asked the noble Lord, whether the cases of Mr. Burke's proposition and his own were not perfectly analogous in spirit; whether he were not offering a moderate and conciliatory plan which would hurt nobody, and would satisfy all. Though the noble Lord must consider his to be an honest and a good plan, what was his answer to it? "No," said the noble Lord, "the Canadian people have asked for a particular plan, and that they shall not have." Well, if they were not to have that, what would the noble Lord let them have? He said, "Try the means of conciliation;" but the noble Lord answered, "Oh, no; you have no authority to make that proposition." Knowing something about the colonies—having some acquaintance with Canada—and a great interest in this question, it appeared to him that he offered his plan as authorised to do so. He did not offer the plan, as agent for the colony, but as a Member of Parliament. He said, it was a good and proper proposal; and he again asked, why was it not accepted. The answer was simply this; because, having prepared certain resolutions themselves, it would wound the vanity of the government to withdraw them. He had no doubt that they considered his plan better than theirs—more calculated to create satisfaction, and to produce a state of peace, but on this ground alone—that it was incompatible with their own resolutions—the Government rejected it. It was well known, that his plan was not new; it had been often and often, as to its principal features, discussed before. He had merely recombined the elements of it. The hon. Member for Worcester said, that it was a new plan. But it was in actual operation already as to its more essential parts, he might say, in every part, with one single exception. And it was like that which the government of Canada once intended to promulgate. The only real novelty about it was this, that we have suggested that there should be established a direct control over the expenses of the government in Upper Canada. Let the House just mark the inconsistency of those individuals who had set themselves up against the demands of the Canadians. They said, that if you carry this plan into effect you will regret your having acceded to it. It had been put forth as a fact in the Report, that the English party in Canada would not bear this plan. Now the whole of that party did not compose quite one-fourth of the Canadian population. Just imagine, then, the insolence of a fraction, who are as one to four, resisting that which the great majority have so strongly expressed their concurrence in! [Mr. *Robinson*: I wish to explain.] According to the rule laid down by the right hon. Baronet, the Member for Tamworth, last night, the hon. Member for Worcester, was not in order in interrupting him. Even that fractional part of the Canadian people were not represented by the hon. Member for Worcester. The hon. Member had no authority to speak in their name. But he had. He represented the people of Canada. Having been chosen by their representatives to represent them in that House; and he told this House, that the great body of the English, as well as the French colonists were opposed to the Legislative Council. But this fact had been already acknowledged by his Majesty's Commissioners. They distinctly laid down, that about one-half of the English population, and the whole of the French population, of Canada were on the side of the House of Assembly. That being the case, had the whole of the French population, and that portion of the English population to which he had alluded, the better claim to have their wishes and demands respected; or was the special and exclusive protection of Parliament to be awarded (to use the noble Lord's own words on another occasion) to a "miserable monopolising minority," for which the noble Lord seemed to have some special feeling in his own breast as it existed in Canada, which he appeared to be disposed to put altogether out of sight in dealing with the pretensions of a similar minority in Ireland? They must know, that if nothing else were the consequence of his persisting in these resolutions, at least the character of the noble Lord himself, and the influence of his Government with the country, would suffer in a very serious degree. Once more he entreated the noble Lord to withdraw them.

Lord *John Russell*: The hon. and learned Member for Bath has acknowledged that I have, in the course of this debate, spoken in terms of moderation and temper towards the Canadian people; and I trust, that in the terms I am about to use, I shall not be found wanting in that moderation and temper, either towards the Canadian people or towards the hon. and learned Gentleman himself: but I do think myself bound to say, that I shall not be turned from the course which I have thought it my duty to pursue, by any regard for the threats of the hon. Member. The case, as it is brought before the House, is this. The House of Assembly of Lower Canada have asked for an elective Legislative Council, and for an Executive Council, which shall be responsible to them, and not to the Government or Crown of Great Britain. We consider that these demands are inconsistent with the relations between a colony and the mother country, and that it would be better to say, at once, "let the two countries separate," than for us to pretend to govern the colony afterwards. We know, likewise, that a considerable number of the inhabitants of that colony, of British origin, protest most loudly against these demands, as leading in all probability to their oppression. This is the state of the case; and when we come forward to ask the House to agree to a resolution, upon these questions, the hon. Gentleman tells me that we ought not to proceed; first, because the people of Canada may raise the standard of revolt; and, secondly, because he says that, if I do proceed, he and some others may withdraw from his Majesty's Ministers their support from henceforward. Sir, I do not fear either of these consequences. I do not believe, in the first place, that the Canadians will raise the standard of revolt; and I say, in the second place, that it was my duty to make these propositions to this House, and that I should betray that duty which I owe both to the Sovereign whom I serve, and to the country whose interests I stand here to defend, if I were to abstain from pressing these resolutions because the hon. Gentleman holds out a threat of withdrawing his support from the Government. But then the hon. and learned Member says, that it is not the original demands of the Canadian House of Assembly that we are now called upon to consider, but certain propositions, which he and I respectively have laid before the House. I must repeat what I stated in my former speech, that the Canadians totally deny that their opinions are to be gathered from any but their own mouths; and I say, that we have already taken pains—too great pains, I think—by referring this question again and again to them, in order to ascertain what their sentiments were, and at last we have learned that their demands are—an Elective Council and a responsible Executive. Then, am I not justified in saying, that after the division which we have taken in this House, on the main proposition contained in these resolutions of mine, I cannot take the propositions of the hon. and learned Gentleman as the grounds of accommodation, even supposing that they would be (and we have no authority to suppose that they would be) satisfactory to the Canadians? Am I not even justified in saying, that there may be every reason to suppose, that, even if these propositions were entertained and acceded to by the House, the Canadian Assembly would still, and again, say, "We adhere to our former propositions?" In his first speech the hon. and learned Gentleman laid down his several propositions altogether; and he said, "you must take all my propositions as an entire, or they will not form sufficient grounds for accommodation." I took down his exact words—which were, "you must take the whole as an entire." Now, I tell the hon. and learned Gentleman that I am not prepared to accept his propositions; and I say, therefore, I cannot recommend this House to abandon all the propositions which I have submitted to it, because he proposes terms which he thinks, and only thinks, will be deemed a satisfactory accommodation by the Canadians. I say, that if, when these resolutions of ours, and the intelligence of any measure to be grounded upon them, shall reach Canada, it shall appear to the Canadian Assembly unwise in them to persevere in their present demands, after such a declaration of opinion on the part of the Legislature of Great Britain, and if they shall then offer any other propositions on which an equitable accommodation can be come to, and on which all parties shall agree, as a suitable basis for establishing the future peace and tranquillity of that colony—it will be no adherence to what is mere matter of form that should induce any Government in this country to refuse its most cordial concurrence in carrying these propositions. But I must repeat, that a mere speech from the hon. and learned Gentleman, who has not even ventured to say that he has power from any people in the Canadas to make these propositions, is not a sufficient ground to induce this House to abandon its past course, and the conclusions which it has already sanctioned. Entertaining these sentiments, no threat, no menace, shall induce me to abandon that which I consider to be the plain course of my duty as a Member of his Majesty's Government, and as a Member of the Imperial Parliament.

Sir *R. Peel* wished to avail himself of the present opportunity to explain to the House the reasons for the vote which he was now about to give upon this question, and the view which he took of the resolutions which had been proposed by the noble Lord. He assured the hon. and learned Member for Bath, that he was never more mistaken in his life than in the impression which he seemed to entertain that he would abstain from delivering his opinions on this question, in order to increase the embarrassment of his Majesty's Government in dealing with this subject; and it was not because he concurred with the propositions of the hon. and learned Member for Bath, or blamed the noble Lord for the course which he had marked out for the Government in his resolutions, but because he agreed with his noble Friend near him (Lord Stanley) and participated in the objections which he had made to those resolutions, that he now expressed his fears that these resolutions would irritate the Canadians, and yet not be efficient for the purposes for which they were intended. He should vote in favour of the noble Lord's resolutions, because he felt that if they were to be efficient at all, their efficiency must depend on the unanimity, or if not on the unanimity, on the very large majority, by which they were carried. Yet, though he disagreed with those resolutions in some essential points, still, balancing the reasons of his dissent against the evils which were likely to arise from abandoning his opinion on mere matters of detail, he thought that the advantage arising from the Canadians knowing the unanimity, or nearly the unanimity, of the House in passing those resolutions would more than compensate the mischief which was likely to arise from his not pressing the points on which he differed from the noble Lord at the head of His Majesty's Government in that House. The hon. and learned Member for Bath had that evening proposed to the House a new scheme of Government for the Canadas, and had asked hon. Members to explain why they hesitated to adopt it. He, for one, would give the hon. and learned Member for Bath that explanation. First of all, he hesitated to adopt it because it was at variance with the recorded resolutions of the Canadians themselves; and secondly, because he considered it the most absurd scheme of Government that he had ever heard of in the whole course of his life. He would endeavour by a few observations to make the House sensible of the two grounds on which he had determined to reject the proposition of the hon. and learned Member for Bath. The hon. and learned Member said, "I will have no elective council, but my new constitution shall be this—there shall be a governor, and an elective House of Assembly. The governor shall also have the power of naming ten councillors, who shall hold their appointments during pleasure. They shall have no power but that of suggesting amendments to the measures passed by the House of Assembly. When they have suggested their amendments, the governor shall return the measures to the House of Assembly, and then, if the House of Assembly shall not agree to their suggestions, the governor shall be empowered, if he thinks fit, to interpose a veto." This was the proposition of the hon. and learned Member for Bath, from which he inferred, that the hon. and learned Member wished to establish in Lower Canada, a complete democracy, or at any rate a republic with monarchical institutions. Now, this was directly contrary to the wishes of the inhabitants of that colony, as embodied in the resolutions of their House of Assembly; for, in their last resolutions, they expressed "their constant and unalterable conviction, guided by the principles of the constitution itself, and a long and sorrowful experience, that this state of violent opposition cannot be changed until the principle of popular election shall be introduced into the constitution of the Legislative Council." Hence he inferred, that the inhabitants of Upper Canada never would be satisfied until the principle of popular election was grafted upon the constitution of the Elective Council. And yet, notwithstanding this declaration on the part of the House of Assembly, the hon. and learned Member for Bath came forward to propose a scheme which got rid of a Legislative Council, elected by a popular assembly; and when that scheme was already rejected by the House of Assembly of Upper Canada, appealed to the House of Commons, and said—"Here is a ground of accommodation—why do you hesitate to accept it?" He would tell the hon. and learned Member, that he hesitated to accept it, because the hon. Member had not proved that he had authority to offer it, and because it was already clear beforehand, that it would be rejected by the Canadian House of Assembly, on the principles of their own declaration. Moreover, the hon. Member's plan involved a scheme of Government which, of all the schemes that he had ever heard of, was the most absurd and impracticable. To expect that a governor sent out from this country, and without any connexions in Lower Canada, could interpose his veto upon the acts of the House of Assembly, and yet conciliate to his government affection and respect, was in theory absurd, and in practice would be impossible. How could the veto of a governor, who had no power to break the opposition of a popular assembly, give satisfaction to the people whom he was sent to govern? With respect to these resolutions, he must say, that he doubted from the first the policy of sending out the commission to Canada, and he must now add, that his doubts had been confirmed by its results. He had always considered it probable that the commission would be received, as it had been, by the Canadians, with jealousy, and he had therefore been, and still was, of opinion, that if a governor had been sent out to that colony, armed with full authority, and entering Canada as the immediate representative of his Majesty, and empowered to act in all things in his Majesty's name, he would have been more likely than any Commissioners to have brought the existing differences between the mother country and the colony, to a satisfactory settlement. When he looked at the Reports of those Commissioners, and found that they did not give any new information on the state of popular feeling in Lower Canada, nor any new ideas as to the mode of governing that colony, and when he likewise found that the Commissioners had given in a series of reports from which one of them regularly dissented, and that there was as great unwillingness on the part of the third Commissioner to decide between the two others, he saw that he had not in their reports any safe guide upon which to form his own opinions. He believed, that it was generally admitted that the two main resolutions in this paper were the fourth and the eighth. It was hardly necessary to discuss the other resolutions, for the importance of the two resolutions to which he had just adverted was so great, that all the rest (as, for instance, those regarding the tenure of land and the local duties) he dismissed as of a perfectly subordinate nature. The condition of Canada, so far as its government was concerned, was this:—It was now five years, or at least four years and a-half, since the judges of that colony, and various individuals in official employment, had not received any remuneration for their services, and the House of Assembly had declared that it would not provide any remuneration for their services, or for the conduct of the local government, unless England consented to a change in the constitution of the colony. Till that were accomplished, the colonists threatened to put a stop to all communication. What course, then, shall we pursue? That, and that only, was the question then before the House. He would not suffer himself to be betrayed by the taunts and reproaches of the hon. and learned Member for Bath into expressing himself with anything like exasperation against the French Canadians. He sincerely wished them well. He had read the account given by that excellent officer, Sir James Kempt, of their national feeling and character. He believed that they were, in the words of Sir J. Kempt, a loyal and excellent people, liable to be deceived, and prone to view with distrust the acts of Government; and his wish that they might long exist under the protection of the British Government, remained unchanged by any violence into which they had recently been betrayed. If the Canadian people were a separate people, living on the confines of the United States, and if no other interests but those of the French Canadians were involved in this question, and if the question itself were not embarrassed by the state of Upper Canada and the bearing upon it of British interests in other American provinces, then, in case the British connexion was unpalatable to the French Canadians, and they supposed that by severing it they could promote their own interests, he should not hesitate to say, "God forbid that we should force British connexion upon them." He would go further, and he would not hesitate to say at once to the French Canadians, "It is more for the benefit of England, even than it is for your benefit, that the connexion between us should be dissolved." For when he recollected the state of certain duties which were imposed upon us in connexion with Lower Canada,—when he recollected the evil of collision with its powerful neighbour, to which we were exposed on its account—when he recollected that we might at any moment be called upon to defend that colony from all comers, not from any local interests of our own, but from a point of honour involving our character as its protector, he must say, that if it were a mere Canadian question, he should have no objection to see the connexion dissolved, and Lower Canada establishing its own government as an independent state, or if it thought itself incapable of supporting its own independence, seeking an amicable alliance with another power. But that was not the question at present before the House. He doubted whether, if we were to tell the French Canadians, supposing it to be a simple Canadian question, "We are ready to dissolve the union between us—seek an union, if you like, with the United States, or if you are determined on your own independence, form yourselves into an independent nation, and be prepared to defend your independence for yourselves,"—he doubted, he said, in such a case whether, notwithstanding the threats in which the hon. and learned Member for Bath had indulged his genius, and the menaces which he had held out of 10,000 riflemen ready to start up against us,—he doubted whether, when we came to the point of separation, it would not turn out, that partly from good feelings arising from the connexion which had now subsisted between us for seventy or eighty years, and partly from the good sense of the people, calmly reviewing their own interests, and reflecting upon the powerful protection of the British people in the hour of necessity, they would not restrain their exasperation and reconcile themselves again to their duty and allegiance. But this question, as he had said before, could not be viewed with reference to the French Canadians alone. There was a British population in their province which had a right to look up to this country, not for predominance, not for exclusive privileges, but for British connexion, on the faith of the constitution which this country had framed for them. Look at the position of Lower Canada, commanding the entrance into the river St. Lawrence, and then ask whether a population of half a million had a right to say, "We insist upon a measure which in the heart of the British colonies in North America, will constitute a French republic?" What right, he would ask, had one portion of our dominions on that great continent to make this demand? If the formation of an elective council were a good measure for Lower Canada, why was it not a good measure for Upper Canada, for New Brunswick, and for all our other American possessions? And if we were prepared to accede to such a fundamental change in the constitution of Lower Canada, how could we refuse to accede to it, if demanded elsewhere? But if we apprehended that the formation of such an elective council would endanger British interests, first of all in Lower Canada, and ultimately in all the other British provinces, then we must regard it as a question not affecting the French Canadians merely, but as affecting the security and tranquillity of our other neighbouring possessions. The question then again came to this;—"Shall we consent to let the judges and the other servants of Government remain without salaries unless we allow the Canadians to attach to the payment of their salaries a fundamental change in the constitution of Lower Canada?" It was a disgrace,—he would speak out plainly—it was a disgrace to the people of this country that its public servants in Lower Canada should remain year after year without remuneration. If they were to ask him what proceeding was most likely to diminish the respect due to British authority in the colonies, he should reply, that it was the continued poverty of those servants who were necessarily employed in conducting the public service. Were we to abandon the colonies to themselves upon points of such paramount importance? Were we prepared to assert, that there should be no care taken for the due administration of justice—no functions performed by the civil servants of the Government? Although the hon. and learned Member for Bath might call the persons in the employment of the British Government its "howling officials," the House must consider them as honourable men, engaged at a distance from their homes in official duties, and must see them provided for accordingly. Their salaries were the means of their subsistence. Was it fitting that the King of England should have in his employment persons necessary for the performance of his service, and that they should remain for four years and a-half in the discharge of their duties, without receiving a single farthing in way of remuneration? At that very moment the judges in Lower Canada were in a state of destitution, not only exciting the sympathy of individuals, but also diminishing the respect due to the judicial character. They were compelled, he had understood, to pawn their books and plate,—but it was too disgusting to enter into such details, and he therefore would not allude further to their distress. If remuneration were to be made to them, by whom should it be made? That was the next question which the House was to consider. It was not denied in any quarter that some remuneration ought to be made to them. The only alternative then left was, that either this country or the colony must provide them with remuneration. Now, as the service was local, and for the promotion of colonial interests, he did not think that the people of England would consent to make a permanent provision for these colonial functionaries. The means of providing for them should come out of the colonial treasury. The objection made by the Canadians to that course was, that they would only consent to pay the arrears on condition that England should make a fundamental change in the constitution of Lower Canada. No alternative, therefore, remained but that of interposing the authority of the Imperial Parliament, and of saying—"The remuneration of these functionaries must come from the colonies themselves." The act of the Canadian Assembly refusing the usual appropriations was an act passed but recently. The House would not, therefore, be called on to disturb any ancient system. What he doubted was, whether, if we were to violate a constitutional principle in this respect, it would not be better to adopt the advice of the Commissioners on the single point on which they had the good fortune to be unanimous. The single point on which they agreed was—and they differed on every other point of colonial government—to advise the suspension of the Act of 1 and 2 William 4th., c. 23. They stated their agreement upon that point distinctly. They suggested a doubt whether the constitution should not be departed from for a given number of years. He thought with the noble Lord (Lord John Russell) that whenever the Legislature should take a step which had the character of violence, it should be cautious not to proceed further than was absolutely necessary. In our contest with our colonies we ought not to be betrayed into any act which could place us, the superior power, in the wrong. He did not, however, see what advance we should make towards a settlement of this question by interfering with the Act 1 and 2 William 4th, and in taking from the colonial treasury the arrears of salaries now due to the colonial servants. Suppose another year to pass away, and the salaries to be then again in arrear, we should still be in our present position—the scandal and disgrace of our situation would be the same; the exasperation in the minds of the Members of the Assembly would be increased by our interference; and, whatever might be the majority by which our interference was approved in that House, he could not see what inducement it would afford to the House of Assembly to grant the salaries then due. When men made their minds up to the contravention of a great constitutional principle, it did not make much difference in point of moral estimation as to the extent to which they carried their contravention. The contravention was the same; but the degree of irritation which it might excite was different. What he anticipated as the result of these resolutions was, irritation in the House of Assembly at the course which we were pursuing, arising from the conviction that, if it were available for the arrears due at present, it might be made equally available for the arrears which might become due after these resolutions were passed. He meant to say, that he would as soon consent to the abrogation of the Act 1 and 2 William 4th, as to its suspension for the purpose of paying these salaries. [Mr. *Roebuck*: Hear.] He argued from the cheers of the hon. and learned Member that he concurred with him. The hon. and learned Member feared with him the repetition of this precedent. Then he would suggest as an amicable compromise, that the King's Government should recede so far from their present proposition as to recommend the suspension of the Act 1 and 2 William 4th, rather than the temporary repeal of it. He repeated, that the temporary repeal of it would only produce irritation, without attaining the object of the Government. One of the resolutions to which the House had assented on the last night when this subject was before it, and which had again been brought under its consideration by the amendment of the hon. and learned Member for Bath, related to the Legislative Council. He regretted the terms in which that resolution was worded. It said, "that in the existing state of Lower Canada it is unadvisable to make the Legislative Council of that province an elective body." It was his opinion, that an Elective Council with an Elective House of Assembly was but a bad system of government; and when he assented to the proposition, that in the existing state of the colony it was unadvisable to make the Legislative Council elective, he wished to guard himself against the inference, that if the state of the colony were altered such a measure would be advisable. If he could agree to the principle, which he did not, of an elective council being an advisable measure in itself, he would say, "Let us establish it at once." It might be, that the absence of this elective council was at the bottom of all those dissensions with the colony of Lower Canada—and if it were, then we ought to lay the foundation at once of an elective instead of a legislative council. If delay in appointing an elective council were only justified by the existing state of the colony, on what ground could he refuse it to our other colonies, where the existing circumstances were not like those of Lower Canada? If the House of Commons was of opinion, that the existing state of Lower Canada was the only objection to the rendering the Legislative Council of that province elective, why did they withhold elective councils from our other colonies where the existing state of things was different from that of Lower Canada? For these reasons he objected to the terms in which this resolution was couched. He would not enter into any discussion on the other resolutions. In point of fact, he concurred in their propriety. He thought, that the bargain made with the North American Land Company should be maintained inviolate, as the national faith was pledged to it. He trusted, that in these observations he had not said one word betokening either hostility to the French Canadians, or indifference to their prosperity and welfare. He saw no hope of the connexion between us being advantageous to England, if there were a permanent feeling among the French Canadian population that it would be disadvantageous to them. Most earnestly, therefore, did he hope that some terms might be devised, or that some event might turn up which would restore peace and harmony between the colony and England. If he thought that the resolutions proposed by his Majesty's Government were unjust, he would not consent to pass them; but he felt that they were just, and therefore he gave them his cordial support. If the House of Assembly in Lower Canada persisted in refusing to make provision for Canadian services, or attached as a condition to their making such provision, that their constitution should be altered, we were called upon to assert our supremacy and to say, "We will not alter your constitution on such a condition—if you refuse to make provision for the services of your own Government, we will not throw that burthen on the people of England—we will throw it on the shoulders of those on whom it ought to rest. We will interpose the authority of the Imperial Parliament, and will provide for the remuneration of the servants of the Canadian local Government, from Canadian sources. He hoped that he had satisfied the hon. and learned Member for Bath, that the silence on which he had commented had not arisen from a desire to shrink from any unpopularity which might betide those who voted in favour of these resolutions. At the same time, in justice to himself, he must say, that he should have voted more cheerfully for other resolutions, which, involving the same principles, had carried them further in practical extent, and which, by relieving us from the necessity of recurring to the same precedent at no distant day, would have facilitated the settlement of this question, and brought nearer the termination of these unfortunate dissensions.

Mr. *Roebuck* wished to say one or two words in explanation, as the right hon. Baronet appeared to have misunderstood the force of his observations. He had not threatened this country with a Canadian revolt—he had not said, that the French Canadians were anxious to dissolve their connexion with England. On the contrary, he had said, that there was a strong desire on their part to maintain the connexion; and as a proof of it, he had only to call to memory how right gallantly they fought for us in the last war. There were two or three points of the speech of the right hon. Baronet, on which he should like to make a passing observation, but at that late hour he felt that he ought to abstain from trespassing further on the patience of the House.

Mr. *Labouchere* said, that having spoken upon this subject on a former occasion, he was unwilling to detain the House at that late hour. He was anxious, however, to correct a misapprehension of what he had said on a former night, in being supposed to have advocated the principle of an elective Legislative Council. He had never expressed his approbation of that principle with respect either to Canada or to any other of our colonies, because he considered it highly dangerous in its application to any of them. He thought it also dangerous, that it should go forth to those colonies that any Member of his Majesty's Government had expressed his approbation of that principle, even in the abstract. It was contrary to the genius of the constitution of this country. There was no warrant for it to be found in the testimony of any of our historians, or in the declaration of any of our statesmen of authority. It never, at any time, formed a part of the constitution of this country, that the second branch of the Legislature should be a representative body. The hon. Member was understood to say, (but the impatience of the House would not allow him to be heard,) that he totally differed from the alternative suggested by the right hon. Baronet, of the repeal of the 1st and 2nd of William 4th, with respect to Canada; for, certainly, after the Act of Declaration passed at the end of the American war, it never could have been the intention of his Majesty's Government to interfere in the taxation of any of its colonies that had Legislative Assemblies, or to apply the proceeds of that taxation by Parliamentary authority.

The Committee divided on the following question:—"That while it is expedient to improve the composition of the Executive Council in Lower Canada, it is unadvisable to subject it to the responsibility demanded by the House of Assembly of that province." To which the following Amendment was proposed, viz.:—"To leave out all the words after the word 'that,' and add the words 'it is expedient to abolish the Legislative Council of the province of Lower Canada.'"

Ayes 269; Noes 46:—Majority 223.

List of the AYES.

Acheson, Viscount
Adam, Sir C.
Ainsworth, P.
Alston, Rowland
Anson, Colonel
Arbuthnot, hon. H.
Archdall, M.
Ashley, Viscount
Bailey, J.
Baillie, H. D.
Bainbridge, E. T.
Baines, E.
Balfour, T.
Bannerman, Alex.
Barclay, David
Barclay, C.
Baring, F. T.
Baring, Francis
Baring, H. Bingham
Baring, W. B.
Baring, T.
Barnard, E. G.
Barron, H.
Beckett, Sir J.
Belfast, Earl of
Bell, M.
Bentinck, Lord W.
Berkeley, hon. C. C.
Bethell, Richard
Bewes, T.
Biddulph, Robert
Blackburne, John I.
Blackstone, W. S.
Bonham, R. Francis
Borthwick, Peter
Bramston, T. W.
Brodie, William B.
Brownrigg, S.
Bruce, C. L. C.
Bruen, Col.
Bruen, F.
Buller, E.
Buller, Sir J. B. Yarde
Bulwer, Edw. L.
Burrell, Sir C. M.
Byng, George
Campbell, Sir J.
Campbell, W. F.
Castlereagh, Visc.
Cavendish, hon. C.
Cavendish, hon. G. H.
Chandos, Marq. of
Chetwynd, Capt.
Chichester, A.

Clive, Viscount
Clive, hon. R. H.
Codrington, C. W.
Colborne, N. W. R.
Cole, Viscount
Compton, H. C.
Cooper, E.
Coote, Sir C. C.
Corry, H.
Cowper, hon. W. F.
Crawford, W.
Curteis, Herbert B.
Dalmeny, Lord
Dillwyn, L. W.
Divett, E.
Donkin, Sir R.
Dowdeswell, Wm.
Duffield, Thomas
Dunbar, George
Dunlop, J.
East, J. B.
Eastnor, Viscount
Eaton, Richard J.
Ebrington, Viscount
Egerton, Sir P.
Elley, Sir J.
Ellice, E.
Elwes, J.
Estcourt, T. G.
Farrand, R.
Fector, J. M.
Feilden, William
Ferguson, Sir R. A.
Fergusson, R. C.
Finch, George
Fitzroy, Lord C.
Fleetwood, P. H.
Folkes, Sir W.
Forbes, W.
Forster, C. S.
Fort, J.
Geary, Sir W.
Gladstone, T.
Gladstone, W. E.
Gordon, R.
Gordon, hon. W.
Goring, H. D.
Goulburn, H.
Goulburn, Sergeant
Graham, Sir J.
Grey, Sir Geo.
Guest, J.
Hale, Robert B.
Hallyburton, Lord D.
Hamilton, Geo. Alex.
Hamilton, Lord
Handley, H.
Hanmer, Sir J.
Harcourt, G. S.
Hardinge, Sir H.
Hardy, J.
Harland, Wm. Chas.
Hastie, A.
Hawkes, T.
Hawkins, J. H.
Hay, Sir A. L.
Hayes, Sir Edm. S.
Henniker, Lord
Herries, rt. hon. J. C.
Hinde, J. H.
Hobhouse, Sir J. C.
Hodges, T. L.
Hogg, J. W.
Hope, hon. James
Hotham, Lord
Houstoun, G.
Howard, R.
Howard, P. H.
Howick, Viscount
Hurst, R. H.
Inglis, Sir R. H.
Irton, Samuel
James, W.
Jermyn, Earl
Johnston, Andrew
Johnstone, Sir J.
Jones, Wilson
Jones, Theobald
Kerrison, Sir Edw.
King, Edward B.
Knatchbull, Sir E.
Knight, H. G.
Labouchere, H.
Lambton, Hedworth
Lee, John Lee
Lefevre, Charles S.
Lefroy, A.
Lemon, Sir C.
Lennard, T. B.
Lennox, Lord Arthur
Levison, Lord
Lister, E. C.
Long, W.
Lowther, J. H.
Lucas, Edward
Lushington, Dr.
Lushington, C.
Maclean, Donald
M'Taggart, I.
Mahon, Viscount
Manners, Lord C.
Majoribanks, S.
Marsland, Wm.
Martin, J.
Martin, T.
Maxwell, H.
Methuen, P.
Milton, Viscount
Moreton, A.
Morpeth, Viscount
Mosley, Sir O.
Mostyn, E.
Murray, rt. hon. J.
Neeld, John
Nicholl, Dr.
O'Ferrall, R. M.
Ossulston, Lord
Palmer, Robert
Palmer, George
Palmerston, Viscount
Parker, John
Parnell, Sir H.
Parry, Sir L. P.
Patten, John Wilson
Pease, J.
Pechell, Captain R.
Peel, Sir R., Bart.
Pemberton, Thomas
Pendarves, E. W.
Perceval, Col.
Philips, G. R.
Pigot, Robert
Plumptre, John P.
Ponsonby, W.
Ponsonby, J.
Poulter, John Sayer
Price, S. G.
Pringle, A.
Rae, Sir Wm.
Reid, Sir John Rae
Rice, rt. hon. T. S.
Richards, John
Richards, R.
Robinson, G. R.
Rolfe, Sir R. M.
Ross, Charles
Russell, Lord John
Russell, Lord Charles
Sandon, Viscount
Sanford, E. A.
Scarlett, hon. R.
Scott, Sir E. D.
Scott, J. W.
Seale, Colonel
Seymour, Lord
Shaw, F.
Shirley, E. J.
Sibthorp, Col.
Sinclair, Sir G.
Smith, J. A.
Smith, R. V.
Stanley, E.
Stanley, Lord
Stanley, W. O.
Stewart, John
Stewart, P. M.
Strangways, hon. J.
Stuart, Lord James
Stuart, V.
Sturt, Henry Charles
Surrey, Earl of
Talbot, C. R. M.
Talfourd, Sergeant
Tennent, J. E.
Thomas, Colonel
Thomson, C. P.
Thompson, Paul B.
Thompson, Ald.
Trevor, hon. A.
Trevor, hon. G.
Troubridge, Sir T.
Turner, W.
Twiss, H.
Vere, Sir C. B.
Verney, Sir H.
Vesey, hon. T.
Vivian, J. H.
Vyvyan, Sir R.
Walker, Richard
Wason, R.
Westenra, hon. H. R.
Weyland, Major
White, Samuel
Whitmore, Thomas
Wigney, I. N.
Wilbraham, G.
Williams, W. A.
Wilson, H.
Winnington, H. J.
Wodehouse, E.
Wood, Charles
Worsley, Lord
Woulfe, Sergeant
Young, G. F.
Young, J.

TELLERS.

Lennox, Lord G.
Stanley, Edward J.

List of the NOES.

Aglionby, H. A.
Beauclerk, Major
Blake, M. J.
Brady, Denis C.
Bridgman, Hewitt
Brocklehurst, J.
Brotherton, J.
Browne, R. D.
Buller, Charles
Chapman, M. L.
Clay, William
Crawford, W. S.
Elphinstone, H.
Ewart, W.
Fitzgibbon, hon. R.
Gillon, W. D.
Grote, G.
Hall, B.
Harvey, D. W.
Hawes, B.
Hindley, C.
Holland, Edward
Hume, J.
Humphrey, John
Hutt, William
Jervis, John
Marsland, Henry
Molesworth, Sir W.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, Morgan
Palmer, Gen.
Ripon, Cuthbert
Roche, D.
Rundle, John
Thompson, Col.
Trelawney, Sir W.
Tulk, C. A.
Villiers, C. P.
Wakley, T.
Wallace, R.
Warburton, H.
Ward, Henry George

Whalley, Sir S.
Williams, W.

TELLERS.
Leader, J. T.
Roebuck, J. A.

House resumed; Committee to sit again.

Survey of Church-Lands.] On the Order of the Day being read for resuming the Debate on Mr. T. Duncombe's Motion for a copy of the Survey of Church-lands,

Sir *Robert H. Inglis*, adverting to the Motion (made last night) for copies of certain portions of Parliamentary surveys in the library at the Palace, in Lambeth, observed, that he was authorized by his Grace the Archbishop to express his willingness to give any extracts from, or copies of, those documents the House might require; but he would put it to the House to consider that the very copying of those documents would cost 400*l.* This was independently of the expense of printing, which the House would have afterwards to consider. He would also suggest that if copies were made and printed, some compensation ought to be made to the Archbishop's secretary for the loss of those fees he now received on extracts being made. He would add that if the House regarded these documents as public property, and it were desirable to give greater publicity to them, they ought to be placed in the British Museum, where the public could have constant access to them.

Mr. *Thomas Duncombe* said, that the House ought to obtain copies of those documents in the first instance, and then they might consider what might be the expense of having them printed. He thought the hon. Baronet, the Member for the University of Oxford was quite mistaken as to the expense of copying. He could get it done for 50*l.* The hon. Member for Leeds had said, that he had got sixty-six extracts made from them without any expense. That, no doubt, arose from the fact of his being a Member of Parliament, and from the circumstance of the subject having occupied the attention of the House a short time before. But if any private individual had gone to make such a number of extracts, it would have cost him 33*l.* If these documents were public property, what right had the Archbishop's secretary to demand a fee for any extract from them? He would contend that whatever the House might please to do with them when it got them, it ought to be in possession of a copy. Let the Archbishop keep the originals, and make money of them for his secretary if he could, if any one should be disposed to go to Lambeth for extracts or for copies, after the House could give them. After all, he thought it was hardly fair that the Archbishop of Canterbury, with his high station and dignity, and his revenue of 20,000*l.* should desire to obtain fees for his secretary, by giving extracts from documents which were the property of the public.

Mr. *Borthwick* would support the Motion of the hon. Member for Finsbury for the production of copies of those documents; and he should do so with much greater pleasure if he had not heard the concluding remarks of that hon. Member. The imputation, that the Archbishop wished to make money of those documents for his secretary, could not have been seriously meant by the hon. Member. It certainly was wholly unmerited by any act of the most rev. Primate. He would support the Motion, on the ground that these documents were the property of the public.

Dr. *Nicholl* said, that on the preceding night it had been intimated, that the Archbishop of Canterbury was perfectly willing to facilitate access to those papers, and to give them up if such were the wish of the House, for he considered himself as only the depositary of these papers, regarding them as Parliamentary documents. The secretary looked for no fees, and would not interfere with any arrangement which it might be thought necessary or expedient to make.

Sir *Robert Peel* said, that the general understanding with respect to those papers was, that they were documents of a public character, that therefore, there could exist no objection to their production, and he should vote for their being produced; but he confessed that he could not help participating in the surprise which had been expressed by the hon. Member near him at the allusion made by his hon. Friend to the conduct in this matter of the Archbishop of Canterbury. It did very much surprise him that the name of that most rev. Prelate should have been mentioned on the present occasion in any other terms than those of acknowledgment and respect; for he had not only afforded every facility of access to those documents, but expressed his readiness to deliver them up. It was already known to the House that the hon. Member for Leeds had had occasion to make many voluminous extracts from those papers, and had carried his researches to a considerable extent, yet nothing could be more liberal than was the conduct of the Archbishop to that hon. Member. He was therefore, quite at a loss to imagine what could now have arisen to irritate the naturally complacent temper of his hon. Friend and induced him to complain, when it was expected that he would have pronounced a panegyric upon the conduct of the Archbishop of Canterbury.

Mr. *Hawes* said, he had the honour to represent the Archbishop in that House—the most rev. Prelate was a constituent of his. He had lived in his neighbourhood many years—he had had some intercourse with him, and he must be allowed to say, that he did not believe a more disinterested or distinguished Gentleman ever filled the situation of Archbishop. With regard to his conduct in this matter, there could be no doubt that it was in every respect what it ought to have been.

Mr. *Thomas Duncombe* observed, that the hon. Baronet, the Member for Oxford, appeared to think that the House ought to give compensation to the Archbishop's secretary—it should be recollected that the papers in question were public documents, and that the Archbishop of Canterbury ought himself to pay his own secretary.

Lord *John Russell* had no objection to the present Motion, though he entertained some doubt as to the value of the documents. When they were deposited with the Archbishop of Canterbury, it was intimated that he might, if he thought proper, transmit to the several dioceses of England and Wales, such of these documents as related to their dioceses respectively; it might, therefore, not be in the power of the most rev. Prelate to deliver up the whole of them or allow them to be copied, for the obvious reason that they were not all in his possession.

Motion agreed to.

HOUSE OF LORDS,

Monday, April 17, 1837.

MINUTES.] Bills. Read a second time:—Dublin Police.

Petitions presented. By Lords STAFFORD, COLVILLE, the Dukes of WELLINGTON, BUCCLEUGH, and other Noble LORDS, from Norwich, Warwick, and other places, against; and by Lords DACRE, HOLLAND, BROUGHAM, and other Lords from Portsea, St. Ives, Huntingdon, for the Abolition of Church-rates.—By the Bishop of LONDON, from Hadleigh, Suffolk, for the Better Observance of the Sabbath; and from various places, for the Better Regulation of Factories.—By the Bishop of ST. ASAPH, from Montgomery, for Repeal of the Act passed last Session, relating to the Surplus Revenue of the Church.—By Earl FITZWILLIAM, from Horton, for Alteration of the Poor-laws Act.—By the Bishop of CARLISLE, from a Parish of Cumberland, against the Introduction of the said Act into that Diocese.—By the Earl of HAREWOOD, from Gawthorpe, of a similar nature.

POOR-LAW AMENDMENT ACT.] The Earl of *Harewood* presented a petition from the parish of Gawthorpe, in the West Riding of the county of York, against the introduction into that parish of the new system of Poor-laws. In laying the petition before the House, he wished to observe that he was not hostile to the principle of the measure, but to the extremes to which some of its provisions were carried, especially as regarded the prevention of out-door relief, and the compelling persons to go into the workhouses before they could be relieved. He concluded by moving, that the petition be read.

The petition read at length, which prayed that their Lordships would take steps to prevent the Act being extended to petitioners' parish, and leave them to collect and distribute their rates as they had hitherto done, under the control of a vestry.

The Earl of *Malmesbury* said, instructions had been given to the Commissioners to make unions as extensive as possible, which he objected to, because in rural districts, where a small number of persons was spread over a large extent of surface, great inconvenience was experienced by those claiming relief, as well as by the guardians, in consequence of the distance they had to go to the central point. He believed, however, that generally speaking, the Bill was working with very good effect. With respect to the hardship arising from the great extent of different unions, it would be enough to observe, that in some instances a man requiring relief, and perhaps in a bad state of health, would have to walk ten miles, or probably be obliged to send his wife, equally incapable of enduring so much fatigue, that long distance. Besides, those who had relations living at the extremity of the union could not expect to be visited by them. He had opposed the Act *in limine*, because he thought too much power was given to the Commissioners, and too little discretion to the guardians; and, perhaps, he was of the same opinion still, although he did not wish to excite any prejudice against the Act. Another point to which he would refer was the medical relief, and he considered that ten miles was too far for a medical man to go, and in consequence he thought sufficient medical relief was not afforded. The poor man was entitled to medical relief, but under the existing system, he believed that it was very insufficient. In his own neighbourhood there was a large union containing four parishes, which had only one medical attendant, who received 40*l.* a-year. Now, he must say, that it was morally impossible for that individual to attend to the poor properly.

Earl *Fitzwilliam* said, it was obvious, when this Act passed, that it would confer a very great boon on some parts of the kingdom, and he did not think that elsewhere it would act so inconveniently as was anticipated. None of the rules of the Commissioners were, in his opinion, unconstitutional, but they would require caution in the application of them, especially in some of the manufacturing towns, where the population was very dense. He thought those rules ought not to be too strictly applied, and were he one of a Board of Guardians, he should be very reluctant to refuse out-door relief in all instances to the able-bodied labourer. It would be not only contrary to humanity, but to the selfish and pecuniary interests of the rate-payers themselves, to do so, and he thought the regulation should be managed, not by rules, but by the judgment of the guardians. He did not here speak of the idle and dissolute pauper, but of the able-bodied labourer of industrious habits. The necessary result of placing him in the workhouse, would be to compel him to break up his household establishment; and to become for life an inmate of that building, where he must be supported at the expense of the rate-payers —a permanent charge that might be avoided by granting temporary relief in the first instance.

Viscount *Melbourne* admitted, that strong and very contradictory opinions were entertained on the subject of the petition presented by the noble Earl. It was impossible to deny this, but it was impossible to deny also that overstatements had been made. Unions were said to be too large, and the medical relief inadequate; but he thought that the proper consideration had been given to these subjects, and it was in order to adapt the law to different parts of the country that large discretionary powers had been vested in the Commissioners. He fully admitted, that the greatest care and caution ought to be observed in carrying the law into effect—and he believed that great caution and prudence were exercised by those to whom its administration was intrusted. His noble Friend who spoke second on this occasion, had condemned the mode of affording medical relief as inefficient. That subject had been duly considered by the Commissioners; and they had laid down certain rules, not for the purpose of saving money, but to render the new system more efficient than the old, and to grant relief to those who required it with the utmost promptitude.

Lord *Ellenborough* said, that having had as much experience with respect to the operation of this measure as any noble Lord, he wished to make an observation on two points which had been adverted to by the noble Earl opposite. In his opinion, the great practical benefit of this measure was, that it called private charity into activity, and in many instances the necessity under which individuals laboured was much better met by private charity than otherwise. With respect to medical relief, there might, he admitted, be unions which did not possess such an extent of medical assistance as they ought; but he was confident that the relief now given was much better than that which was afforded under the old system. Formerly there was no control over the medical man. He might, or he might not, attend the poor man; no one knew, no one inquired, whether he attended or not. But now he must make a report, every week, of those persons whom he had visited; and, if any particular description of food were required for the patient, he stated the fact, and it was ordered. When noble Lords spoke of the situation of paupers, they ought to recollect that there was a very large class of persons who called for their attention as much as paupers. He meant those individuals who were placed just above pauperism, who required medical attendance, but who would be ruined by the expense of employing a doctor. For the benefit of such persons, he wished that they should establish medical clubs. In the union where he lived, such a club had been successfully established. There were 10,000 persons in that union, and in the course of six weeks, there were 850 subscribers to the club. With respect to granting out-door relief, cases occurred where it might appear proper to extend it to an able-bodied labourer, who could not support his family. He, however, would suggest other means of relief. In the union to which he had referred, where a man, able to work, but not to earn sufficient to support a family of six or seven children, required relief, what did they do? Did they, in that case, relax the rule? No; because if they did, it would break down the whole system. They took a different course, and met every such case by private charity. The consequence was, that there was not a single able-bodied man in the workhouse. If proper care were taken to administer this law, he was certain that it would not press hard upon the people. It was a matter of great importance, and one from which much benefit must flow, that the magistrates should join in administering the law in the different unions. They would thereby acquire a knowledge of the state of the labouring classes, and the demand for labour in particular localities. Though he approved of the measure, he still was of opinion that the greatest possible forbearance and discretion should be exercised in carrying its provisions into effect. As to the extent of the discretionary powers vested in the Commissioners, he admitted they were large, but they were not larger than those under the old system, or than they should be; and the exercise of them now, in promoting private charity, restored the bond of union which should exist between rich and poor.

The Earl of *Malmesbury* did not wish to confine medical assistance to paupers only. There was a great difference between the pauper and the poor man, and he would say, that the poor man who laboured hard for his subsistence deserved medical assistance as much as the pauper.

The Duke of *Richmond* denied that the manner in which the medical men were appointed by the guardians was injurious to the pauper. The complaint, it should be observed, did not come from the paupers, but from the medical men. Let it not go forth that the fact was otherwise. The noble Earl had alluded to a case of a large union, with only one medical man. That individual had, he supposed, undertaken the duty voluntarily.

The Earl of *Malmesbury*: I said that he was called on to attend four parishes for 40*l.* a-year.

The Duke of *Richmond*: Oh! then it was the small amount of money that formed the objection. The medical man, it seemed, could perform the duty, but not for 40*l.* a-year. He could perform the duty for 100*l.*, or 200*l.*, or 1,000*l.* a-year, but not for 40*l.* a-year. The guardians, in appointing the medical assistant, were not guided by the lowness of the tenders, but by the abilities of the applicants. In the union with which he was connected, they advertised for medical men, and the board received a great many tenders. They would not, however, accept the lowest tender. The person on whom the choice of the guardians fell undertook the duty for 70*l.* a-year, though he previously had 140*l.* And why did he take the situation? Merely because he had the parishes before. In that union, the guardians now gave ten times more medical relief than was formerly granted. There was scarcely a board-day on which some addition to the diet of the patients was not called for. Wine, porter, &c., were constantly ordered by the medical assistant, and as regularly granted. Before the passing of this Bill, there was no control over the medical man, but now there was a most efficient control, for he was obliged to report to the Board regularly.

The Marquess of *Salisbury* could not conceive a more perfect system of medical relief than that which was at present adopted. He conceived that the powers of the Commissioners were prudently exercised, and he should be sorry to see them diminished.

The Marquess of *Bute* would say, from what he had witnessed in his own part of the country, that the poor were much better attended to now, with respect to medical relief, than they were under the old system. If proper attendance were not given, the fault lay with the guardians, and with them only. He strongly objected to very large unions, which, in many instances, might be productive of something very nearly amounting to a denial of justice—for it was impossible for the guardians in those most extensive unions to perform their duties efficiently: In his opinion, seven miles ought to be the extreme distance from the central point of any union. That was the distance fixed by law for the residence of those who claim to vote in boroughs; and he thought it was not right that poor people should be obliged to come from a far greater distance to make their appeal to the Board of Guardians. The rules of the Commissioners were, he conceived, too strict in many cases. He regretted, for instance, that the paupers in workhouses were not allowed to proceed to the parish church.

Petition laid on the table.

HOUSE OF COMMONS,

Monday, April 17, 1837.

MINUTES.] Bills. Read a first time:—Summary Convictions (Juvenile Offenders).

Petitions presented. By Mr. DAVENPORT and other Hon. MEMBERS, from various places, against the proposed Measure; and by Mr. ORD and other Hon. MEMBERS, from various places, for the proposed Measure for the Abolition of Church-rates.—By Mr. HUME and Lord WORSLEY, from various places, for Amendment of Poor-law Act.—By Sir JOHN TYRRELL, from the Guardians of Thame Union, for the Poor-law Act.—By Mr. HAMILTON, from Clogher, that the present system of National Education (Ireland), may not be persisted in.—By several Hon. MEMBERS, from various places, for Amendment of Factories' Act.—By Mr. BELL, from Coal Mine Owners of Durham and Northumberland, against Metropolis Improvements.—By Mr. W. WYNN, from Montgomery, against Appropriating the Surplus Revenue of St. Asaph and Bangor, to the increase of the Income of other Bishoprics; and against the Creation of two new Bishoprics; and from various parts of Salop, against Highway Act.—By Mr. PONSONBY and Mr. NICHOLAS FITZSIMON, from Derby, for Reduction of Duty on Fire Insurances.—By General LYGON, from Stourbridge, to limit the number of Beer Houses, and preventing Beer being drank on the Premises.—By Mr. FOX MAULE, from Stonehouse, for the Amendment of the Law relating to Statute Labour.

BRIGHTON RAILWAY.] The adjourned debate on the appointment of a Select Committee to examine whether any false evidence had been knowingly and wilfully given before the Sub-Committee on petitions for private Bills in respect of Stephenson's line of Brighton railway was resumed.

Mr. *Curteis* said, he was always unwilling to take up the time of the House; it was his wish to have seen the matter settled when the question was last under consideration. The case was simply this:—The petitioner (Mr. Mills) stated, that the plans and sections delivered in by the parties to Stephenson's line, were not in accordance with the standing orders, and it was alleged, that in 131 instances the orders had not been complied with. It was further alleged, that notwithstanding these deviations, the evidence given before the Committee went to show, that the orders had been fully complied with, and it was complained, that that evidence had been knowingly and wilfully given, with an intention of imposing on the Committee. When such allegations had been made, he thought the House was bound to grant investigation, and all the petitioner prayed for was a Committee, before which he might prove the charges he had brought forward.

Lord *G. Lennox* contended, that the motion for a Committee was not for the purpose of proving that the parties to Stephenson's line had acted improperly, but was made with a view of having Mills's line again introduced to the House. He therefore trusted the House would not allow Mr. Mills's line to be again brought forward, or take any step which would have the effect of injuring or retarding Stephenson's line.

Mr. *Greene* wished to rescue the House from a difficult position in which it would have been placed, had they consented to the original motion. It was against the practice of the House to enter into any investigation in regard to the standing orders, after the second reading of any Bill, and he thought the House would act most justly by adhering to the rules which it had laid down. Now, as the motion was framed, the Committee would have had to inquire whether the standing orders had or had not been complied with, and it was for that reason he had wished the discussion should be postponed.

Lord *G. Somerset* thought the time was gone by, for the House to enter into any investigation, in regard to compliance or non-compliance with the standing orders. He did not wish to give encouragement to parties making factious opposition to Bills; and taking into consideration all the circumstances of the present case, he was prepared to vote for investigation, although he would oppose any attempt to introduce Mills's line again, or to retard the progress of the Bill for Stephenson's line. Fraud having been alleged, he considered the House bound to grant the Committee.

Colonel *Wood* believed, that the present proceedings originated with a disappointed engineer, whose own line having been thrown out, was now attempting to defeat the Bill for a rival line, and he would therefore vote against the appointment of a Committee.

Captain *Pechell* would vote for a Committee, as he was persuaded it was not the object of the hon. Member for Sussex to attempt, by a side wind, to throw out Stephenson's line, or to procure the re-introduction of Mills's line.

Mr. *C. Barclay* opposed the motion. The Committee were to go into all the evidence which had been brought forward in regard to Stephenson's line, the whole remaining portion of the Session would not be sufficient for the investigation; and yet it would be necessary to go through the whole, in order to establish whether fraud had or had not been practised. It It was said, too, that the investigation would not affect Stephenson's line, but if the Committee reported, that fraud had been practised, he would put it to the House whether they could allow the Bill for Stephenson's line to go on. Could the House send the clerks and agents to Newgate, and yet allow the Company, the parties profiting by the fraud, to proceed with their Bill? The thing was impossible. The truth was, that they were to look upon the matter as a dispute betwixt two rival companies, one of which having been thrown over by the House, now attempted to throw over the other; and if the House were to grant the Committee prayed for, how long, he would ask, would it be before they had petitions presented from other rival companies, praying for similar Committees? In every case they would have disappointed parties looking out for small departures from the standing orders, and thus offering vexatious opposition to every undertaking. In the present case, the deviations were small, and he thought, therefore, it would be better to refuse the Committee, than establish a precedent which might be attended with the worst consequences as regarded the transaction of business by the House. He had been favourable to the Committee, but the opinion which had been expressed by the right hon. Gentleman in the chair, had convinced him that it would be wise to refuse the prayer of the petition, as from that opinion he had been persuaded of the danger of the precedent which would be created, were they to comply with the petition for investigation.

Mr. *Shaw Lefevre* could not see how Stephenson's line could go on, were the allegations proved, and, were a Committee granted, it would be necessary to put a stop to the proceedings in regard to that line, till its report was made, which would give the other competing lines an unfair advantage, supposing no fraud should be established.

Mr. *Poulett Thomson* was afraid, that owing to the great importance of this railway, and in consequence of the excitement which had been produced on this question, hon. Gentlemen might be apt to look at it merely with reference to this particular Brighton railway, and not, as he was disposed to regard it, with reference to the future proceedings of that House. They would do well, in his opinion, to consider, before they established a precedent of this nature; for if he were not much mistaken, in no case had a Select Committee of Inquiry been appointed, either when the Bill had passed the second reading, or been before a Committee. But he found from the petitions on the table, from which he had carefully endeavoured to make himself acquainted with the merits of this case, that Mr. Mills made certain allegations respecting the conduct of agents on Stephenson's line; but he did not show that, at the time when these questions were dealt with by the Committee, he was not cognisant of the practices himself, and therefore the House was called to afford this Committee to inquire into false evidence, of which he was cognisant at the time the Bill was before the Committee; or of which, at least, he did not show that he was not cognisant. If the House were to yield on this occasion, there would be nothing to prevent any parties from trumping up a petition for a Select Committee upon every recurrence of a case at all similar to the present. There was another point well worthy the consideration of the House, viz., whether it would be possible for them to sanction further proceedings on the part of the promoters of Stephenson's line, in case the Committee asked for were to report, that the initiative of their Bill had been obtained on false grounds? If this Committee were appointed, there would be nothing to prevent the time of the House from being occupied, day after day, with petitions of a similar prayer. Let it be considered also, that all that could be done by the Select Committee would be, to inquire whether the allegations of the petitioner were true or false; but if they were false, the Committee had no power to punish the petitioner. If the House were to grant the Committee, the probability was, that they would be involved in application after application for Committees of Inquiry, by which the time of the House would be much occupied, and he could not help thinking great injustice done to parties concerned in railway and similar undertakings. He was willing to admit, to a certain extent, that it was necessary, for the support of the dignity of their proceedings, that conduct such as that complained of, should be investigated; but he did not admit this fully, for he did not think that Mr. Mills had shown that he was unaware of the circumstances he now stated, when the Bill was before the Committee; and, therefore, he did not think the House ought to allow Mr. Mills to do that then, which he had omitted to do before the proper tribunal. The injustice which it had been contended would be done, by allowing this Bill to proceed upon false evidence was, in his opinion, as nothing, when compared with the inconvenience which the contrary practice would entail upon the House. The great object of the House in its resolutions respecting private business, in the appointment of the Committee of forty-two, and in its other regulations on this head, was, in his opinion, to provide that there should be no application of this nature to the House, but that the Sub-Committee should decide; because it was clear that the House was not the fittest body to try those questions. He was decidedly opposed to the appointment of the Committee, and he thought that the House might as well rescind all their Resolutions respecting questions of this kind, and debate them in full House, as appoint that Committee.

Motion negatived.

Breach of Privilege—Poor-Law Committee.] Mr. *Fazakerley* brought up a special report from this Committee, which was read at the table by the clerk, and which purported that the Committee, had felt bound to report specially to the House that parts of the evidence and documents which had been produced before the Committee, and which had not yet been presented to the House, had appeared in *The True Sun* evening newspaper of Friday and Saturday last.

The Report having been ordered to lie on the Table,

Mr. *Fazakerley* said, that he presumed the House would be desirous to take some time to consider the subject to which the report referred; and that he thought he should best consult the interests of the case by simply moving on the present occasion that the Report be printed with the votes, and taken into consideration to-morrow.

Ordered.

Breach of Privilege—Explanation of Sir Edward Codrington.] Sir *Edward Codrington* rose, and addressed the House in nearly the following terms: Sir, I rise to complain of a breach of the privilege of this House on the part of *The Morning Post* newspaper, in having misrepresented what I said the other evening: and, indeed, what was said by other hon. Members also. In each case that which has been reported has been equally erroneous; and in saying this I do not mean to impute motives to any man on a matter which might have led to a breach of the peace, and which is a breach of privilege. I have made extracts from the paper to which I refer, and I will first refer to that part of the report which is intended to apply to myself, which is this. It is reported that I stated, "I for one, disapprove of Sir Pulteney Malcolm's conduct, and I think that many men would have been turned out of the service if they had acted in the same way." Now, the expression which I really did use was, that Sir Pulteney Malcolm had in what he had done subjected himself to be tried by a court-martial. As, however, I have a letter in my hand from Sir Pulteney Malcolm, I shall, I hope, be allowed the opportunity of reading it. Then, again, it is further stated in this report, that I said Sir Pulteney Malcolm did not speak the truth. I declare I never had the slightest intention to make any charge of the kind. I did not and never meant to attribute to Sir Pulteney Malcolm anything of the sort. I said he spoke freely of me, and I am sure he will not deny it. I have disapproved of his conduct, but there is no ill-will towards him on my part. I was using my observations as an argument for the unfortunate people whose cause I advocated. I brought nothing personally alluding to Sir Pulteney Malcolm. It was, and is a matter of indifference to me whether he is in a command or not: he is not a rival of mine; and this fact I hope will be proved by the correspondence which has passed between us, and which is printed in *The Courier* newspaper of this evening; and I have not the least objection to all the words used being made known. So much, then, for the explanation of that part of the report which relates to myself. The next error is one which attributes motives to me, and of which it is necessary I should take notice. In the report of the observations given to my gallant Friend below me (Admiral Adam) he is represented as saying, "Why did he not make them in an open and manly manner, and not by way of insinuation?"

Admiral *Adam* could state in a very few words what he had said—

The *Speaker* suggested that unless the hon. and gallant Member rose to a point of order he could not be heard.

Sir *Edward Codrington:* The next passage which I shall refer to, as given in *The Morning Post*, is, I believe, and I hope I can prove, not true. These words were imputed to the right hon. Baronet, the Member for Cumberland (Sir James Graham), and I hope I shall find, that the right hon. Baronet will admit that they were such as ought not to be, and were not, used by him, because they impute motives to me, which is a proceeding not warranted by Parliamentary usage. The right hon. Baronet is said to have declared, "I admit that I am responsible for having superseded the honourable and gallant officer, and that I did so because I would not listen to insinuations and charges which were made in such a manner as the insinuations and charges made to me were made." Now, allow me to say, that the origin of my referring this subject to the right hon. Gentleman was the complaints which were made to me by the men engaged in the battle of Navarino, who asked for some remuneration for their losses, &c. I remember that that gratuity was a long time before it was paid, the poor fellows having had all their clothes torn off their backs. But I complained, moreover, that these men, who had been in the battle, had neither pay nor anything else beyond this gratuity. I heard that others who were not in the battle shared amongst them two French crowns which had been obtained from the fishing up of guns. That report reached me, and I at once made use of it in the claim I made to the right hon. Baronet (Sir James Graham) on behalf of the men under me. I never dealt in insinuations, nor have I ever tried to whisper away the character of Sir Pulteney Malcolm. I have dealt openly on the occasion, and made the charges directly. The reports did not originate with me. I am one who want much to uphold the character of the profession to which I belong. I will not even throw just censure upon an officer where it is possible to avoid it. I, in all I have done, have been most anxious to make every allowance for a man's past services, his wounds, &c. I have nothing to say against Sir Pulteney Malcolm; I have only made use of the reports in order to obtain justice for my men. I am glad to say that by letter, Sir Pulteney Malcolm has convinced me, that if he was at all guilty, he was guilty of a mere venial offence in the transactions to which I referred. I am ready to believe anything which Sir Pulteney Malcolm has stated; and therefore I solemnly acquit him of any thing but what was merely venial, if we come within the strict letter of the articles of war. I don't know that I need do anything more than, with the permission of the House, read the letter of Sir Pulteney Malcolm to me; but I hope the right hon. Gentleman will give me an explanation in reference to the words which are imputed to him. The hon. and gallant Admiral then read the following letter:—

"No. 23, York-terrace, April 14, 1837.

"Sir—It appears from the report of your speech in the House of Commons last night, as reported in *The Morning Post*, that you stated that I ought to have been turned out of the service for my conduct when in command of the Mediterranean squadron, and I understood the charges to be, that I fished up some brass guns from the wrecks of the ships at Navarino, which were sold, and the proceeds shared as prize-money on board the Asia, and that I had employed ships of the Government in conveying materials for building a House on speculation, and not for my own residence. I hope and believe you have made these statements under a false impression as to the facts. I shall now proceed to state what occurred, on the honour of an officer, and I have no doubt that on attentive consideration you will repair, as far as you may have the power, the injury you have done my character, by stating in your place in the House of Commons that you had been misinformed. It is true that some brass guns were taken up from the wrecks at Navarino by a boat of the Asia, and that Captain Hope Johnstone proposed to me that they should be sold, and the money divided amongst those who had got them up; of this I approved, and it was so divided. In reply to the other charge, I have to state that in the year 1830 I purchased a piece of land near to Athens, for the purpose of building a small House to perpetuate my name in Greece, in whose welfare I was strongly interested. In January, 1831, the authorities who were engaged in the settlement of Greece were assembled at Salamis, and were on the point of making a finish, when they received instructions to stop, as the ministers of the alliance had hopes of obtaining an extension of the proposed limits. Great was the disappointment, and the Greeks began to despair of ever seeing the country settled; to show, however, that I considered that the delay was but temporary, I gave directions to prepare to build my House; the three residents of the alliance accompanied me to the spot, and all urged me to enlarge my plan. I was induced to listen to their suggestions, as it enabled me to show the Greeks the superiority of the Maltese workmen a number of whom went to Athens, where they got full employment. Capo d'Istria, the then President of Greece, said to me that I had conferred a real benefit on his country by beginning to build a House, as it gave confidence to those who were desirous to do the same, and who had purchased lands from the Turks, but were disheartened when we separated at Salamis, I had been in communication with Sir F. Ponsonby, and had the best means for obtaining employment for the Maltese in Greece, and this appeared to me a good beginning. When at Malta I employed the best workmen to make doors and windows for this House, and I purchased many articles for the building, which I sent to Greece by a Greek brig, which I hired for the purpose; but I remember that Captain Lyons, of the Madagascar, proposed to me to take the windows into his cabin, as they might be broken in the brig, and I consented, as he was bound to Athens; some polished stoves were taken on board the Britannia, but her destination being changed when at sea, Captain Hawkins, of the Raleigh, who was bound to Athens, proposed that he should take them up, and I consented. These are the only circumstances which I can recollect, and surely these acts are not to be construed into employing Government vessels for private emolument.

"I am your most obedient servant,
PULTENEY MALCOLM."
"Admiral Sir E. Codrington."

Now I wish not to make a single comment; I leave the matter in the hands of the House. I will say nothing further than that I wish it to be understood that no reflection is thrown by me on the character of Sir Pulteney Malcolm,

Sir *James Graham* said, after what had fallen from the hon. and gallant Officer who had just sat down, the House would expect him to say a few words in reply. He would first address himself to that part of the subject which related to Sir P. Malcolm, for it was in defence of his gallant Friend on a former evening that he was tempted to address the House. As he understood the hon. and gallant Officer, he now retracted every charge reflecting on the honour of Sir P. Malcolm. As he understood the hon. and gallant Officer, he said he had not used the words which certainly he had seen very generally reported in the newspapers, and, relying on his recollection, he thought they were what he heard. But since the hon. and gallant Officer had withdrawn them, he was bound to believe that he did not hear them,—namely, "that Sir P. Malcolm had spoken freely of him, and that what he had said was not true." The gallant Officer now denied having uttered those words, and after that denial he Sir J. Graham could not believe that he had done so. He was quite sure that such denial would be satisfactory to the country, to the House, and to his gallant Friend. The hon. and gallant Officer had said that he was most anxious to uphold the character of the profession to which he belonged. There could not be a more legitimate object, and he hoped this discussion might create that effect. He was sure of this, that the character of a British admiral could never be a matter of indifference to the representatives of the British people. It was of the last importance that a man who had stood, as Sir P. Malcolm had done, in that situation for half a century, should, notwithstanding that, have his honour vindicated, or else after his long services he might be rendered one of the most unhappy and wretched men alive. How stood the matter with regard to the two charges which had been brought forward by the hon. and gallant Member? Passing by the personal altercation between him and Sir P. Malcolm, and understanding the first of those charges to be, that Sir P. Malcolm had allowed some of the guns that were lost during the battle of Navarino to be fished up and sold, and the produce to be shared as prize money, what was the exact meaning of the words "shared as prize-money?" Professional men in the House knew the meaning perfectly well. It was, that all officers, the admiral included, if any money was distributed, shared in that money. Therefore the application of those words was, that Sir P. Malcolm had shared in the distribution made on the occasion alluded to. But how stood the fact, as now proved by the gallant Officer? The guns were fished up by certain boats' crews belonging to his Majesty's ship Asia. What was that ship? The flag-ship of the gallant admiral at the battle of Navarino. What was the ship's company? It consisted of the very men who fought with him. Did the gallant Officer deny that? [Sir *E. Codrington:* Partly.] The ship's company of the Asia fought in the battle of Navarino. When the hon. and gallant Officer was superseded by Sir P. Malcolm, by an order of the Board of Admiralty, he hoisted his flag on board the same ship, without any transfer of the ship's crew. It was the same crew that fished up the guns and they were sold, and the money divided amongst those who had picked them up, those people, or at least the greater portion of them, being men who had fought with the gallant officer at Navarino. The second charge against Sir P. Malcolm was, that having purposed to build a House in Greece, on speculation, he employed the King's ships to convey the stores of which the house was built from Malta to Athens. The gallant admiral had admitted the fact, and the hon. and gallant Officer opposite had read his admission, in his own words, to the House. As to the policy or impolicy of building the House, that was beside the question. But did he build the house on speculation? And if he did, did he employ the King's ships to convey the stores to the spot on which the house was to be erected? Sir P. Malcolm, in the letter which had been just read to the House, had stated, on his honour as an officer, that he freighted a Greek brig from Malta for the purpose of conveying those stores, with two exceptions, which were thus explained:—Some window frames and doors had been manufactured at Malta with great care and at considerable expense, and Captain Lyons, who was in command of his Majesty's ship Madagascar, seeing that they were about to be embarked with other public stores on board the Greek brig, proposed to his admiral, for the purpose of taking greater care of them, that he should convey them in the frigate which he commanded. But were they so conveyed under the orders of Sir P. Malcolm? Or was there any derangement of the rules, or discipline, or convenience, that should be maintained on board the ship? So far from anything of the sort, Captain Lyons, as a private mark of esteem and goodwill to his admiral, conveyed them in his own cabin. Then it appeared, that there was some ornamental stove-work taken on board the Britannia, but when at sea her destination was changed, and they were trans-shipped on board the small brig Raleigh, which was bound to Athens. But the gallant admiral had retracted the expressions. [Sir *E. Codrington*: I deny having used them.] Far be it from him, having answered the two public charges which the gallant Officer had made and now withdrawn, to resume anything of the angry tone of the debate the other night; but still, after what had passed, considering the high character of Sir P. Malcolm, considering how precious the character of such a man must be to him as a friend, considering how important the matter was to the country, and considering the high station and connexions of the gallant admiral alluded to, and that a slur cast on any portion of his conduct, under any circumstances, ought, if unjust, to be entirely removed, he thought he should be pardoned if he intruded on the time of the House so far as to make the few observations he had yet to offer in vindication of Sir P. Malcolm as an officer and a gentleman. He wished to call the attention of the House to the question who this highly-gifted officer was? There might be instances of officers being elevated by means of aristocratic friends and connexions; such, however, was not the case with Sir P. Malcolm. He was the son of a humble sheep-farmer, and had won his way to fame as his brother, Sir John Malcolm, had done, without having any powerful friends to back him, or parliamentary influence to help him. He had risen to the highest honours in his profession by his own manly exertions; and his transcendent merits, if they had been questioned in that House the other evening, had never been questioned before. He enjoyed a spotless reputation, and he possessed in an eminent degree the friendship and confidence of the greatest men in this country now living, as he had of those who had departed. He was the comrade in arms of Nelson, and the ship in his fleet which he commanded had the splendid designation of the happy Donegal. He still had the friendship of the first general of the day—the Duke of Wellington. It was he who first conveyed from the Cape to India the future hero of Assaye, and who landed on the Peninsula its future conqueror; and it was at the special desire of the Duke of Wellington that the flag of Sir Pulteney Malcolm was flying at Ostend when the destinies of the civilized world were decided on the field of Waterloo. Did his character end there? It was a remarkable circumstance, he was not only the friend of the conqueror, but he had an opportunity of becoming intimately acquainted with the conquered. His flag was hoisted at St. Helena during the exile of Napoleon, and he made every lawful exertion to soothe his sorrows and mitigate his painful situation. By the kindness of his disposition and behaviour he won the confidence of that distinguished man, who gratefully acknowledged, in his last moments, the generosity and benevolence that had marked Sir P. Malcolm's demeanour towards him. Although he had incurred the displeasure of the hon. and gallant Admiral opposite, he was still in the enjoyment of the friendship he had won amongst the living, and he trusted, that whatever other effect this discussion might produce, it would leave the honour of Sir P. Malcolm untarnished by anything that had taken place. So much for what related to Sir P. Malcolm. But something had fallen from the gallant Admiral with reference to himself. He was not present during any part of the discussion which occurred on a former evening until within a minute of the close of the speech of the gallant Admiral. He had no sooner made his appearance in the House and taken his seat than the gallant Officer, without the slightest notice, and quite contrary to any expectation on his part, opened a sharp fire on him, and without any premeditation, or a moment's reflection, he was compelled to rise and vindicate the character of the gallant officer, his Friend. But (continued the right hon. Baronet) I spoke, Sir, under your correction, and if I had said any thing contrary to the rules of the House you would have checked me, and certainly I may say, that you have never found me unwilling to obey your authority. But, Sir, if you had omitted to check me, hon. Gentlemen on the other side would have called me to order if I were wrong. Nothing, however, fell from me to call for any such interference. I am not responsible for any reports in any newspaper of what I said. The gallant Officer did not interrupt me on Thursday night; he saw me here on Friday, but he did not ask me for any explanation. I will not pledge myself as to the particular words which I did use; but I think the reports of what took place on that occasion in all the four morning papers were very accurate; at least, they gave me a better speech than I was able to make. But there was nothing in these reports that I did not intend to say, or say in substance. I have nothing to retract—nothing to withdraw or deny. I am satisfied that I have said nothing contrary to the rules of the House, and with that consciousness I say I have nothing to explain.

Sir *Edward Codrington* hoped, notwithstanding the cheers which had accompanied the conclusion of the right hon. Baronet's speech, that he might be heard fairly, as soon as those cheers had subsided. He had stated most distinctly, that he did not wish to go further into this question; but whatever might be the consequences, either in or out of doors, he had endeavoured to do that which was just to Sir Pulteney Malcolm—to clear him from any imputation on his character, because he believed Sir P. Malcolm's word of honour. He was bound to say that the right hon. Baronet had made some most gross allusions which he ought not to have made. Being then at the head of the Admiralty, he ought to have known, the Asia came to England and had half her crew drafted. Statements were made to him by the people who had served under him in the battle, that others who had not been in the battle, had shared the money obtained from the sale of the guns as prize money. He would now correct the statement, believing, as he did, the word of Sir P. Malcolm. Did it, then, become the right hon. Baronet to taunt him? The right hon. Baronet had not directly answered the question which had been put to him. He would, then, distinctly ask him—had he used the words imputed to him or not? He would read them again.

The *Speaker* understood that exceptions were taken to particular expressions used by the hon. Baronet; if such was the case they ought to have been taken at the moment.

Sir *Edward Codrington* scarcely understood the position in which he stood. The right hon. Baronet had spoken generally, but he had not at all answered the question. What he, (Sir E. Codrington) wanted to know was, whether the right hon. Baronet had made use of these words or not. The Report stated him to have said, that "I admit that I am responsible for having superseded the hon. and gallant Officer, and that I did so because I would not listen to insinuations and charges which were made in such a manner as the insinuations and charges made to me were made. Those who were fully competent to form a correct opinion of the conduct of Sir Pulteney Malcolm I consulted, and I now feel it my bounden duty to declare that I totally disbelieved the charges brought against him. Sir, had there been any foundation for these charges, might not Sir Pulteney Malcolm have been called upon to answer them before that tribunal to which he was amenable? He never was, and I therefore think it rather hard the hon. and gallant Officer should have attempted, for three years to whisper away his character without mentioning his name, until the hon. and gallant Officer found himself driven into a corner." Why, Sir, I believe that I have a character to sustain as well as Sir Pulteney Malcolm, and I think it very material that the House should allow me to make my statement; because the right hon. Gentleman has said further, according to the Report given, that he superseded me in the command of the fleet, and that he so superseded me on account of the insinuations which I had made against Sir Pulteney Malcolm. Now I beg at once to ask him whether he did so supersede me on the grounds so stated? I put a direct question, and, notwithstanding the cheerers, I trust the right hon. Baronet will give a direct answer.

Sir *James Graham* said, he had already told the hon. and gallant Officer, that he was not responsible for the correctness or incorrectness of any reports which might have appeared in the morning papers, but he would say they were generally accurate. The hon. and gallant Admiral had heard what he said on the occasion in question; he had the opportunity of calling him to order at the moment, and of asking for an explanation; but on Thursday night the gallant Admiral had omitted that opportunity; and he was in the House, too, on Friday, but the gallant Admiral had not asked for an explanation. Notwithstanding all his respect for the House, he firmly but respectfully refused to give any explanation of the words used.

Admiral *Adam* said, that called upon as he had been by his hon. and gallant Friend, he could not refuse to say that the words which had been imputed to him he had not uttered. It was said, in the report of *The Morning Post* that he had declared that his gallant Friend did that by insinuation which he would not do openly. Now, what he (Admiral Adam) did say was, that he could not but express his regret and surprise that these charges, if they could not be substantiated at the time, should be brought forward after they had so long lain dormant; more especially when the gallant Officer to whom they referred was, at the time, on full pay and amenable to a Court-martial. He went on to say that he was the more surprised that his gallant Friend should not have brought forward these charges at a proper time.

Captain *Dundas* considered, after what had taken place, the hon. Baronet opposite was bound to give some explanation of the language used by him. Had there been any attempt to whisper away the character of Sir P. Malcolm for three years he must have heard of it, and he would have been the first to call for an explanation from the gallant Admiral.

Sir *John Beresford* thought, that nothing could justify the expressions of his gallant Friend; but those words ought to have been explained at the moment, He rose, however, chiefly to state that which was his own, and he believed it was the feeling of all who knew Sir P. Malcolm, that the eulogiums which had been made on that gallant Officer's conduct had been such, as his character as an officer and a gentleman justly merited.

Lord *John Russell* thought this discussion should not close without some declaration from the Chair as to what were the rules of the House. The hon. and gallant Admiral had stated the words reported to have been said by the right hon. Gentleman, and had asked for an explanation of those words, making at the same time a statement which seemed to imply that consequences might arise out of the House as well as in. The right hon. Gentleman opposite stated that he made use of all the expressions attributed to him, in the presence of the gallant Admiral, and as he had not asked for an explanation on the night, or on the night after, he was not bound to make an explanation. On the part of the morning paper, he did not think it necessary to interfere; but he thought it would be very satisfactory to the House if the Speaker would deliver his opinion upon the subject.

The *Speaker:* Undoubtedly the course pursued by the hon. and gallant Officer is most irregular. This is the first time in my experience that any hon. Member has come down to the House with a newspaper, and, adverting to the material facts of a whole speech, endeavour to found upon them, questions applicable to the individual to whom the expressions were attributed, and put in a shape which would seem to imply allusions to ulterior consequences. That, I must say, is extending the rule greatly beyond anything I have ever seen in Parliament; and it would be most improper for the House to sanction any such proceeding. If any thing was said to which the hon. and gallant Officer wished to take exception, the exception should have been taken at the time. Under these circumstances, the House has a right to require an assurance from the hon. and gallant Officer, that no ulterior steps shall be taken in this matter.

Sir *Edward Codrington* expressed his readiness to say, that he did not hear the words of which he complained, and therefore he supposed that the right hon. Baronet did not use them. But seeing them in the newspaper, he had directed the right hon. Baronet's attention to them, and the right hon. Baronet would not deny that he had used them. If the right hon. Baronet would not deny them, what was the alternative?—either he denied them, or he adopted them.

Sir *Robert Inglis:* The hon. and gallant Officer had the same opportunity as other Gentlemen in the House at the time of hearing the words if they were used. If the gallant Officer heard them, he ought to have noticed them at the time. If he did not hear them, I submit to you, Sir, and to the House, whether this discussion ought to proceed further. My right hon. Friend certainly cannot be held responsible, either directly or indirectly, for any report that may have appeared in a newspaper. It is impossible, therefore, that this discussion can be continued. I think the House entitled to ask the gallant Officer to make the assurance suggested by the Chair.

Admiral *Adam:* It is, I think, impossible that the right hon. Baronet, (Sir J. Graham) could have meant to make use of the words in question, because, in point of fact, he was not in the Admiralty when the hon. and gallant Officer, (Sir E. Codrington) was recalled. The gallant Admiral was recalled on the 5th of June, 1828, when the Duke of Wellington was Prime Minister, and Lord Melville First Lord of the Admiralty.

Mr. *Williams Wynn* apprehended, that the gallant Admiral had no right to call upon the right hon. Baronet to say whether he denied or adopted the publication that had appeared in the newspaper. It was clear, according to the rules of debate, that no member had a right to attack or make an insinuation against the character or honour of another. But if the gallant Officer objected to anything that had been said by the right hon. Baronet, he ought to have stated his objection at the time the words were used. It was contrary to all rule that he should take up the report of a newspaper, and then after a lapse of several days, come forward and take such a course as the gallant Admiral had done that evening. After the species of threat that had been thrown out, the House had certainly a right to call upon the gallant Officer to say that he did not intend to take any ulterior step. The House had a clear right to exercise that power, and it never had failed to do so when similar circumstances had arisen.

Sir *Robert Inglis:* I move, Sir, that Sir Edward Codrington be desired to make the assurance which has been customary in this House on every similar occasion.

Sir *Edward Codrington:* I move, as an Amendment, the Order of the Day.

The *Speaker*: The gallant Officer has placed his demand on grounds which are altogether untenable. I conceive, no Member of this House is, or ought to be, held responsible for any report, in a newspaper, of what he may have said in his place in Parliament. That being the clear and undisputed rule of the House, I do not think the hon. and gallant Officer is entitled now to make that demand of the right hon. Baronet, after the expression of opinion which has taken place upon the subject. I am sure the hon. and gallant Officer's own good feelings will immediately suggest to him the propriety of complying with the call which has been made upon him.

Viscount *Palmerston*: If, after what has passed, the hon. and gallant Officer refuse to comply with the suggestion of the Chair and desire of the House, I believe the only course that can be followed, to prevent any ulterior steps, will be to move, that the gallant Officer be taken into the custody of the Sergeant-at-Arms. But I hope this will be unnecessary.

Mr. *Williams Wynn*: The gallant Officer must know that the House has power, and most certainly will prevent any ulterior consequences. The gallant Officer may put off his acquiescence for a longer or a shorter time; but putting off compliance with the will of the House, cannot by any means prevent his ultimate adoption of the course which has been pointed out; he can only subject himself to inconvenience by standing out. I hope, therefore, he will at once perceive the propriety of complying with the wish that has been so generally expressed.

Major *Beauclerk*: With great deference to the Chair and to the hon. Gentlemen who had expressed their opinions upon the subject, differed from them as to the propriety of the first concession coming from the hon. and gallant Admiral. At the same time he must say, that he could not justify what had fallen from the gallant Officer. He thought it a great pity, that the gallant Officer had made use of the observations that had that evening fallen from him. The House generally regretted them; and he was sure that the gallant Officer, on reflection, would regret them also. But he thought, that the right hon. Baronet (Sir J. Graham) who sat opposite, admitting, as he did, the general accuracy of the report, ought to have no hesitation, if he entertained the same wish and the same feeling as the House, to declare that, notwithstanding what was stated in that report, it was not his intention to say that the gallant Officer (Sir E. Codrington) had, for three years, endeavoured to whisper away the character of his gallant Brother in arms. The right hon. Baronet would see, that it was quite impossible for the gallant Officer to sit under such an imputation. To bring the matter more home to the House, perhaps he might be allowed to state what had occurred in his own case only a short time since. It might be remembered, that a few nights ago he offered an opinion in that House, with respect to lord-lieutenants. A day or two afterwards, he received a letter from the son of a Lord-lieutenant of a county, asking whether, in the expressions he had used, he intended to cast any reflection or any imputation upon the writer's father. He immediately replied that he had no such intention, and that he believed nothing had fallen from him that could justify the suspicion. If the gentleman who addressed him had asked him anything that, as a man of honour, he could not have instantly replied to, he hoped he should have been amongst the last that would have done so; but when he found that the feelings of a gentleman had been hurt by the expressions he was said to have used, he would not lose the opportunity afforded to him of immediately explaining them. Such being the case, he thought he was justified in saying, that if he stood in the position of the right hon. Baronet, he should immediately declare that he had no intention to cast such an imputation on the gallant Admiral as that which had been published in the newspapers, and which accused him of whispering away the character of Sir Pulteney Malcolm.

Mr. *Thomas Duncombe*: The gallant Admiral does not complain of that part of the right hon. Gentleman's speech in which he is reported to have said, that the gallant Admiral had, for three years, endeavoured to whisper away the character of Sir Pulteney Malcolm. The gallant Admiral's complaint is founded upon these words of the report: "I admit that I am responsible for having superseded the hon. and gallant Officer; and I did so, because I would not listen to insinuations and charges which were made in such a manner as the insinuations and charges made to me were made." These are the words that the gallant Admiral complains of. Now, I think, that the gallant Admiral puts upon these words a construction different from that intended by the right hon. Baronet. I think, that my right hon. Friend the Member for Cumberland (Sir J. Graham) would have used these words in speaking of the gallant Admiral's being superseded, even if

Sir P. Malcolm had not succeeded him, or even if Sir P. Malcolm had never existed. Then I think my right hon. Friend (Sir J. Graham) can have no hesitation in stating, that the gallant Admiral was not superseded in consequence of anything that he had levelled against the character of Sir P. Malcolm.

Mr. *Roebuck* thought it hardly worth while to discuss the point of privilege as regarded the publication of reports of the proceedings of that House. The fact was notorious, was every day permitted, and every day spoken of. What were they then doing? They were endeavouring, if they possibly could, to prevent any unworthy differences arising in the House of Commons. The gallant Officer said, that he did not hear certain expressions which were reported as coming on a former evening from the right hon. Baronet. The gallant Officer said, moreover, that he did not believe the right hon. Baronet to have used the expressions; but that, considering his own character, and knowing the weight attached by the country to the reports of what took place in that House, he felt bound, in justice to himself and in vindication of his honour, to ask the right hon. Baronet publicly, whether he had used the words or not? The right hon. Baronet replied, that the gallant Officer was in the House at the time, and ought to have heard the expressions, if they were used. The gallant Admiral answered, "I did not hear them." "Then," said the right hon. Baronet, "if you did not hear them, and if you found anything to complain of in the report, you ought to have mentioned it the next day, and not have deferred it to so late a period as the present." Now, if the right hon. Baronet would consider for a moment, he would see that there might have been circumstances to prevent the gallant Admiral from calling upon him for an explanation at the moment. He asked the right hon. Baronet and the House, whether it would not be as well, after all that had taken place, after hearing what had fallen from the gallant Admiral, that the right hon. Baronet should at once admit that he did not make use of the words in question, and thus prevent any other painful circumstance arising out of the dispute. Expressions had been used on both sides painful enough. It now remained for the right hon. Baronet to pay his quota of concession, and endeavour to make peace and harmony.

Mr. *Charles Wood* was afraid, that the hon. and gallant Officer had put his question upon a ground on which the right hon. Baronet could not be called upon to answer. The question put by the hon. and gallant Officer, was this—"Why was I superseded?" Now, standing there in some measure as the representative of the Admiralty, he (Mr. C. Wood) conceived that it was not fit for the gallant Officer nor for the House, to call upon the right hon. Baronet to say why he superseded any officer. That was the question that was put by the gallant Officer, and which he thought the right hon. Baronet was not called upon to answer. But at the same time, looking at the report in the newspaper, he must say that he could not, for a moment, believe it to be a correct representation of what had fallen from the right hon. Baronet, because it put into the right hon. Baronet's mouth the reason why he superseded the hon. and gallant Officer; and that he conceived the right hon. Baronet would never, for one moment, think of doing. Looking, too, at the context of the report, it was evident that what the right hon. Baronet meant to say, was this—that he had appointed Sir Pulteney Malcolm, because he did not believe that any charge existed against that gallant Officer's character; and that, having determined to supersede the hon. and gallant Admiral (Sir E. Codrington) for reasons which he (Mr. C. Wood) thought he ought not to explain, he appointed Sir P. Malcolm in his place, because, believing that gallant Officer perfectly competent to the situation, and not believing the charges that had been brought against him, he conceived him to be a fit and proper person to take command of the fleet previously commanded by the hon. and gallant Admiral (Sir E. Codrington). If that were the meaning of the right hon. Baronet, he thought that he ought to have no hesitation in stating so. If he did so, the only ground on which the hon. and gallant Officer had put the question, must at once fall to the ground. It was true that there was one other question a little involved; but as that was of a private rather than of a public kind, he should offer no opinion upon it. But he must say, that he agreed with the gallant Officer in this, that after the full satisfaction that he (the gallant Officer) had made in denying the use of the most offensive language, and fully vindicating the character of Sir P. Malcolm from any charge that he might have been supposed to have brought against him—if he stood in the position of the right hon. Baronet (Sir J. Graham), and really did not think that the hon. and gallant Admiral (Sir E. Codrington) had endeavoured for three years to whisper away the character of his gallant Companion in arms—he should have no hesitation in declaring at once, that the words attributed to him in the report in the newspaper, were not correct. On the other hand, if he stood in the position of the gallant Officer, and felt, as that gallant Officer must feel, how little he needed to add to the vulgar attribute of courage, he would not, for one instant, hesitate to give the assurance which the House had a right to demand, and the power to enforce. He knew of nothing so absurd and ridiculous as prolonging these scenes, which too often occurred in the House, which always ended in one way, and which served only to bring the proceedings of the House into great and well-deserved contempt.

Sir *Edward Codrington*: Before this matter proceeds further, may I be allowed to ask, Sir, has any Gentleman in this House a right to attribute motives or insinuations to another?

The *Speaker*: No Member has a right to attribute motives to another. That is quite clear. In the present instance I have been called on to express my opinion upon two propositions, both of which, according to the rules of the House, appear to me to be perfectly clear also. If the practice were once allowed to prevail, of calling for explanations of particular expressions used on preceding days, there would be no end of the disputes that might arise. That is my opinion upon the first proposition. Upon the second proposition, as to whether or not it is competent for a Gentleman to take up a newspaper and hold any other Gentleman in this House responsible for any report he may read there, I should think I acted very improperly towards the House if I were to give the slightest countenance to such a practice. On the contrary, I am bound to say, that no Member of this House can be held responsible for any report of his speeches, made in Parliament, that may appear in any of the newspapers.

Sir *Robert Peel*: Of all the disputes I have ever heard arise in this House, I must say the present appears to me to have the least foundation in necessity. I sat next my right hon. Friend (Sir James Graham) when he made the speech in question on Thursday last. I understand the particular part of the speech of which the hon. and gallant Admiral complains to be this: he finds in *The Morning Post* these expressions attributed to my right hon. Friend—that the particular cause for which the hon. and gallant Officer was superseded in his command was, that he had brought forward certain charges against Sir P. Malcolm. The gallant Officer may complain of other expressions in the same report, but that to which I have alluded is the one which he thinks justifies him in making his appeal to my right hon. Friend. Now, I think there can be no harm in one's bearing testimony to the truth, and I declare, that these are not the expressions that were used by my right hon. Friend. I sat next to him, and I can therefore confirm the gallant Officer's own impression when he says he does not think that my right hon. Friend could have used them. My right hon. Friend came into the House in the midst of the discussion, not knowing what was going on. Nothing, therefore, could be more unpremeditated than any thing that fell from him; but the expressions complained of he certainly did not use. The gallant Admiral says, that his impression is the same as mine. Here I come forward as a witness and confirm his impression. But the report in the newspaper attributes certain expressions, and the gallant Officer thinks he has a right to take that report and to ask my right hon. Friend to declare whether that report be correct or not. If my right hon. Friend had been a party, either directly or indirectly, to the report, the gallant Admiral no doubt would have a right to call upon him to explain; but if my right hon. Friend was not, in truth, either directly or indirectly, the cause of the report, nor in any way responsible for it, I ask the hon. and gallant Admiral, in a friendly spirit, to consider whether he thinks it would be a good precedent to establish, that after a debate has passed in which the party complaining admits he did not hear any offensive expressions, a subsequent complaint should be made, founded upon the report contained in a newspaper? This is not merely a question between two individual Members, it is a question for the consideration of the House, and I hope the House will see the extreme inconvenience that would result from our sanctioning the principle that we are to be called upon in a hostile manner to disavow expressions, attributed to us in newspaper reports. The inconvenience of sanctioning such a principle must be manifest to every one. It would be so very easy for a person to give a turn to a report which would subject Members of the House to be called upon in a hostile manner, that it is quite impossible to see where the evil, once allowed, would end. I apprehend, that the plain course in all these cases would be this: to ask the Gentleman complaining whether he heard the words of which he complains. If he did not, and if no other Gentleman in the House at the time heard them, surely that ought to be enough to stop all further discussion. If it be sought to carry the matter further, and to call upon hon. Gentlemen to disavow expressions for which they are not responsible, that is a course against which, on public grounds, I must protest. In the present instance I come forward to confirm the gallant Admiral's own impression. If the words were not used how can he hesitate on public grounds to say—"If there be but one course to pursue, and if you who were present confirm my own impression of what really occurred, I will call for no farther explanation." And instead of assuming a hostile position, I think the gallant Admiral's own sense of what is due to propriety will convince him that that is the only proper course for him to adopt. If these were not my honest sentiments I would not utter them to the gallant Admiral.

Sir *Edward Codrington*: I am perfectly sure that the right hon. Baronet has expressed his honest sentiments; and I am satisfied that if words were attributed by him of an offensive nature to another Gentleman, he would have no hesitation to declare at once in a manly and straightforward manner whether he had used them or not. If there were a gentleman in the whole country who, taking up words attributed to me, came to me and complained of them as not being true, if I had never uttered those words I should be most ready and most glad to give the explanation required of me. This I would do as a man of honour; and I say that no man of honour would refuse to do it.

Lord *John Russell*: I took the liberty of calling upon you, Sir, to know what was to be considered as the rule of the House on occasions of this kind, and I must say that I am perfectly satisfied with the opinion which you stated to the House—that it was not for the convenience of the House that, after some days had elapsed, a Member who had been present in any particular debate should bring down to Parliament a newspaper, and ask specially whether certain phrases stated in that newspaper were the phrases used by a Member of that House. I am quite satisfied that the rule you, Sir, have laid down is right, and that the opposite rule would tend to great inconvenience, and to endless disputes as to the use of particular words. As to the debate in question, I must add my testimony to that given by the right hon. Baronet opposite. I attended to the debate on that occasion, and I heard words uttered certainly in the heat of debate, but I did not hear anything that went beyond the rule of fair debate in this House. After the statement on the part of the right hon. Baronet (Sir Robert Peel) opposite, I think my hon. and gallant Friend (Sir E. Codrington) may fairly state that he is satisfied that nothing has been stated contrary to his honour.

Sir *Edward Codrington*: I should certainly have been satisfied with what has been stated; but when I read the paragraph of which I complained, and the right hon. Baronet refused to contradict it, it is impossible for me to come to any other conclusion than that he adopts it.

An *Hon. Member* thought, that if the right hon. Baronet (Sir James Graham) would get up and say that he meant nothing derogatory to the hon. and gallant Officer, as a man of honour and a British officer, the question would be at rest, and the House would have a right to insist on the gallant Admiral giving an assurance that the matter should go no further.

Sir *Robert Peel*: I beg to state that my object in coming forward was not in any way to defend my right hon. Friend, but merely to prevent the House from entertaining an erroneous impression as to what really took place. I came forward merely as a witness, to give evidence upon a point in which the House appeared to be interested.

Viscount *Palmerston*: Being present on the occasion, and paying attention to what was going forward, I feel myself bound to add my testimony to that of the right hon. Baronet and my noble Friend (Lord John Russell) as to what took place. The words particularly alluded to by the hon. and gallant Officer (Sir E. Codrington) certainly did not strike my ear, and I do not think they were used.

Admiral *Adam* was ready to confirm the noble Lord's impression. But the awkward part of the matter was this, that the right hon. Baronet (Sir James Graham) had stated, that he agreed to the general correctness of the report. Now, to the general correctness he agreed also; but he was at the same time quite certain that there was a statement in the newspaper in question which was not correct, and he was certainly of opinion that the part of which his gallant Friend complained was incorrect.

Mr. *Leader* said, I think, Sir, that the only way to end the dispute will be to commit both the gallant Admiral and the right hon. Baronet.

Mr. *Robert Palmer* hoped, after what had been stated, that the gallant Admiral would give the required assurance that the matter should go no farther. (After a pause the hon. Gentleman continued). As the gallant Officer does not seem disposed to conform to the general wish of the House, one only course remains. I must therefore move that the gallant Officer be taken into the custody of the Sergeant-at-Arms.

The question having been put,

Mr. *Curteis* moved as an Amendment that Sir James Graham be also taken into the custody of the Sergeant-at-Arms.

After a pause,

The *Speaker* said, the only way in which the Amendment can be put is to substitute the name of one Member for another.

Mr. *Curteis*: Then I move that the name of Sir James Graham be substituted for that of Sir Edward Codrington.

Mr. *Roebuck* thought, with all deference to the Chair, that the words "and Sir James Graham" might be added to the original Motion by way of Amendment.

Mr. *D. W. Harvey*: I, Sir, have a Motion to make. That the country may not know the way in which we waste our time in this House, I beg to observe that I see strangers in the gallery.

Strangers were ordered to withdraw.

After a brief discussion with closed doors,

Sir E. Codrington said, that as he understood the Speaker had decided that the right hon. Member for Cumberland could not, according to the rules of the House, answer his interrogatory, and as he heard that the words alluded to had not been used, he should place himself in the hands of the House and fulfil its pleasure. He felt very strongly—hardly too strongly, he thought—for the honour of an officer of the navy ought not to be suspected. Nothing would ever induce him, no pains, no penalties, nothing that this House could do, to submit to the slightest imputation on his honour. Saying this, he should obey the House.

The *Speaker* trusted that the discussion would now terminate to the satisfaction of the gallant Admiral and the House. He was of opinion that it was not regular to refer to past debates for the purpose of obtaining any explanation of the nature of that sought this evening. And, further, he must say, that no Member was responsible for what passed in this House. No one could hold any Member responible for expressions used in debate. He believed he stated the sentiments of the House when he said, that as the discussion had terminated it must be satisfactory to all parties. The entry on the journals in this case was as follows:—

"Notice taken of a report of a debate of this House in *The Morning Post* newspaper, in which certain words were attributed to Sir James Graham respecting Sir Edward Codrington; and Sir Edward Codrington having called upon Sir James Graham to state whether he had made use of the words, Sir James Graham declined to make such statement, considering that such a practice would be contrary to the freedom of debate, and the privilege of the House; and Sir Edward Codrington having intimated an intention of taking notice of the words out of the House, he was called upon to assure the House that he would not pursue that course; and having declined to give the House such assurance, motion made and question proposed,—'That Sir Edward Codrington be taken into the custody of the Sergeant-at-Arms attending this House:'—And Mr. Speaker having stated that Sir James Graham ought not to be called upon to state whether a report in a newspaper of certain expressions made use of by him in this

House was or was not correct, Sir Edward Codrington submitted himself to the House, and assured them that he would not pursue the matter any further; whereupon Sir James Graham stated, that he had now no objection to state that he had not made use of the words attributed to him.

The Order of the Day having been read Lord John Russell moved, that the Ordnance Estimates be referred to a Committee of supply.—Agreed to.

Affairs of Spain.] On the question that the Speaker leave the chair to go into a Committee of Supply,

Sir *Henry Hardinge* did not feel that it was necessary for him to apologize to the House on that occasion for occupying its time in calling its attention to the state of affairs in the north of Spain, and also to the manner in which his Majesty's Government was involved in the transactions that had recently occurred there. He considered it necessary that this subject should be brought before the notice of the House, and he also thought that this should be done without further delay, and he felt that no apology was called for from him for doing so beyond that which was necessary for the inadequate manner in which he should perform the task he had taken upon himself. He would not discuss the question as to the propriety or impropriety of entering in the Quadripartite Treaty, or of the additional articles to that Treaty, because his noble Friend the Member for Hertford, and other Members on that side of the House, had already called the attention of the House to the subject with much greater ability than he could pretend to; and he had no doubt they would on that occasion say all that was necessary on that part of the subject. But the noble Lord the Secretary for Foreign Affairs had never attempted to justify the intervention that had taken place in the affairs of the north of Spain, on the plea that it was called for by the stipulations of that treaty; nor had he said that the order in council was required by the Quadripartite Treaty, or by the additional articles. The noble Lord, he repeated, had never asserted that the proceedings that had taken place with reference to the legion grew out of the Quadripartite Treaty. He therefore said, that the noble Lord and the Government, in issuing their order in council, pursued a course which was not involved in the question of the treaty, but merely so acted as a matter of policy on their part. But no question of policy as to the treaty, no question as to the expediency of the proceeding, could be conclusive as to bringing forward the subject, because he thought that the character of the country was so much at stake and was so deeply involved in the conduct pursued by the noble Lord and his colleagues in the Government, that it rose superior to all other considerations, and compelled him to do what he considered to be a bounden duty. He said this when it appeared that his Majesty's Government had, by the conduct they had pursued, placed his Majesty's subjects in the situation of being dealt with as pirates and robbers; and when they did not take any steps to protect those of his Majesty's subjects who had proceeded to Spain in conformity with the issuing of the order in council; he must, therefore say, that the way in which the war had been carried on was a most unsatisfactory mode of proceeding. He considered that the noble Lord, by the measures which he had pursued on this subject, had very much implicated the national character of the country. He had implicated by the operations which he had chosen to pursue the military reputation of this country. He repeated, that he was of opinion that the very act of raising 10,000 men for the service of the Queen of Spain lowered the high character of this nation, and the military reputation of the country, which had been carried to such a high degree of renown at the close of the late war, and which had not been lowered during the peace until by these recent proceedings, and which had been handed over, pure and unspotted, to the present Government, and which it was their duty to preserve as national property. It was the duty of the House to see that the national property—the national honour—was not tarnished by the course pursued by the noble Lord and his colleagues. The noble Lord might say, that he was not responsible for all the failings and disasters that had attended the Spanish Legion; but how could the House sanction such an excuse, when they recollected that this very large body of men, officered by gentlemen holding military commissions in the King's service, although clothed in the Spanish uniform, were still Englishmen? Under such circumstances it was impossible that the country should not sympathise with them. There was another mode of viewing this subject—namely, as affecting the moral character of this country, which, in his opinion, was a matter of high consideration. It remained a matter of deep consideration for the inhabitants of this Christian country whether his Majesty's Ministers and that House should allow men, the natives of this country, to become accustomed to shed the blood of their brother men in a quarrel in which they were not interested. It was a matter of deep consideration whether, by such proceedings as those he alluded to, they should train up our countrymen to scenes of bloodshed and murder, which had never been approached in any modern warfare. He was sure that the noble Lord, from what he formerly heard of him—and he was sure that the right hon. Gentlemen, his colleagues in office, who sat around him—must deplore these scenes as much as he did; but while he allowed the noble Lord to be actuated by these feelings as a man, he could not but censure the noble Lord as a Statesman and a Minister, for allowing a war to proceed in which all the evils natural to a civil war had been aggravated to a great degree. There was no positive motive for allowing the proceedings that had taken place; the character of the country did not require it; the maintenance of the independence of Spain did not call for it; and, while it seemed to be the act of the noble Lord, he did not recollect any single instance of an explanation where the noble Lord had accounted for his sanctioning the raising of the Legion, and the steps that had taken place with reference to it, unless, indeed, when the noble Lord said, in the summer of 1835, that they had sanctioned the raising this body of troops to put down a few thousand of men who were engaged in a local and partial insurrection in the north of Spain. This being the case, it became necessary to know who were the people engaged in this war. He had lived for two months with this people in the north of Spain, and he was convinced that a more independent, honest, and upright people than the inhabitants of the Basque provinces did not exist. But so far from his feelings on this matter being tinctured by party prejudices, he would appeal to the judgment and opinion of those upon whose opinion the House would place greater reliance than upon his own statement. He was sorry he did not see in his place the hon. and learned Member for Bath, who at the commencement of the Session stated, that the interference of this country in the present contest in the north of Spain was as undignified as it was useless; if he had seen the hon. Gentleman he should have appealed to him on the subject. He would appeal, however, to an authority which he was sure would have weight with many hon. Gentlemen opposite, he meant Mr. John Quincy Adams, the late President of the United States of America, who had given his opinion on the character of the natives, of the Basque provinces. After drawing a most favourable view of the inhabitants of the United States, he proceeded to say, that in all Europe there was no race of people who had such claims to respect on the score of liberty, as the inhabitants of the Basque provinces. "He said, while their neighbours have long since resigned all their possessions into the hands of kings and priests this extraordinary people have preserved their ancient language, genius, laws, government, and manners, without innovation, longer than any nation of Europe. Active, vigilant, generous, brave, hardy, inclined to war and navigation, they have enjoyed for two thousand years the reputation of the best soldiers and sailors in Spain. Many writers ascribe their flourishing commerce to their situation, but as this is no better than that of Ferrol or Corunna, that advantage is more probably due to their liberty. In riding through this little territory you would fancy yourself in Connecticut; instead of miserable huts, built of mud and covered with straw, you see the country full of large and commodious houses and barns of the farmer, the lands well cultivated, and a wealthy and happy yeomanry." Such was the account that the late President Adams gave of this people, and he would ask the noble Lord whether he would allow that this country was at war with this people, for the purpose of putting down whom he had allowed the raising of 10,000 men? If he wanted a more recent expression of opinion as to the character of this people, he would refer to the authority of one of the hon. Members for Westminster—he meant General Evans—who, in his proclamation to the inhabitants of the Basque provinces of the 14th of February last, said, "All Spain was now desirous of enjoying those liberties which you (addressing the people of those provinces) have so long possessed. Was not this an admission that the liberties of this people were real and substantial? What other meaning could be attached to the expression that the Spanish people wished for the enjoyment of the same liberties as were possessed by the inhabitants of those provinces? Was this the reason that the noble Lord wished to coerce this people by sending 10,000 men to make war upon them? He could not conceive any proceeding more unjust than the course pursued by the noble Lord and his Government. But unjust as this policy was, the time of interference was also as impolitic. The date of the order in council was the 10th of June, 1835; the date of the convention signed by Lord Elliott was in February. He was convinced that the order in council impeded the carrying into effect the convention, which, if enforced, would have humanized the war; for immediately the noble Lord took part in the contest by his most impolitic interference, the convention became almost disregarded. What was the date of the convention? The first act of his noble Friend, the Duke of Wellington, when he accepted the seals as Foreign Secretary, was to endeavour to find out a way to put a stop to the cruelties which were carried on in the war in Spain. Every nation being liable to the visitation of war with other powers, as well as civil war, had an interest in taking care that it was not carried on in a way that would inflict greater cruelties than could be avoided, and, above all, in a manner calculated to brutalize the people. In consequence of this, his noble Friend sent out Lord Eliot, and that noble Lord succeeded in the commission that was intrusted to him. But when the noble Lord, the Secretary for Foreign Affairs adopted his orders in Council, the system that had been acted upon in conformity with that convention, was abandoned. They had the authority of General Cordova for asserting, that previous to the Order in Council, the lives of between 500 and 600 Christino prisoners had been saved. Mr. Henningsen also stated, that during the few months between the signing the convention and the issuing the Order in Council, the lives of 5,000 prisoners had been saved by the Carlists. He was convinced by this, that the war had been humanised by the convention, and it was the duty of the noble Lord to abstain from interfering with such a force as that which he was the means of sending out, namely, 10,000 muskets; but he ought to have attempted, by means of negociations, to humanise the war, and, if possible, to put an end to it, instead of resorting to measures, which, so far from humanising it, tended only to brutalize it. He did not make this statement on light grounds, but was fully able to establish it. The first operation of General Evans was in the Autumn of 1835. It was a reconnoissance against Hernani, and on that occasion the force of the Legion was accompanied by a regiment of Chapelgorries. These Chapelgorries were natives of the Basque provinces, who were in the service of the Christinos, and they were regarded with strong feelings of animosity and hatred by the Carlists. He was also accompanied by another Spanish force named the regiment of Fernando. The Legion, with these regiments, proceeded against an enemy upon whom this country had no right to make war; at the same time, it should not be forgotten that this advance was made on a Sunday. He said, that he believed that this took place on a Sunday; he knew that the battle of Waterloo was fought on a Sunday, but that was a matter of necessity; but the advance on Hernani was a voluntary act of going out on a Sunday. The fact was, the enemy was driven under the walls of Hernani, and at length General Evans either deemed it expedient or necessary, as it entered into his views, to make a retreat to St. Sebastian. On his return, the Fernando regiment lost eight men as prisoners to the Carlists, while, at the same time, that regiment took fourteen Carlists prisoners. This took place after the convention had been signed, and after it had been in force for some months. Now, he would ask, did the Carlists and Christinos really carry this convention into effect? Up to this period it had been carried into effect, the lives of the prisoners taken on both sides were spared; but such was the feeling of exasperation that existed in the minds of the Carlists at the appearance of foreigners taking part in this contest—for he need not inform the House that the Spanish nation was extremely jealous at the interference of foreigners in their affairs—such was the feeling of exasperation excited at the part taken by these 10,000 men of the Legion, that he had the authority of a person present to state that the Carlists put to death the eight men of the Fernando regiment taken prisoners by them, and the Fernando regiment put to death their fourteen Carlist prisoners. In addition to the authority of the person he had alluded to, he held in his hand a book written by Major Richardson, of the Legion, who was present at the affair before Hernani: and from the praise bestowed on General Evans in the first part of the book, and from the strong terms of censure applied to the Tory parties, he had little doubt but that the author of this work was a Liberal. The passage he alluded to was as follows:—"In the early part of the action the Carlists had made seven or eight prisoners of the regiments of Fernando, (a regular Spanish regiment), who, in sight of several officers of the 1st. British, were taken to the rear and deliberately shot. The Fernando regiment had taken fourteen Carlists prisoners. The Carlists were in close pursuit. In this emergency, fearing their prisoners might be recaptured, they consulted together for a few moments, and then levelled at the hearts of their victims a simultaneous discharge, and they fell, the bayonet completing what the bullet had left unfinished." This was the Sunday afternoon's *reconnoissance*! Such was the state of the case which had been brought about by the unfortunate Act of the noble Lord and the Government. He felt justified in imputing the change that had taken place in the mode of carrying on the war to the present Government, and every thing that he had seen, and read, and heard, confirmed him in this opinion. He had before him a paper from Captain Henningsen, who, from the period of the convention to a date long subsequent to the advance of the Legion, was with Don Carlos in Spain, and Captain Henningsen said;—"I have no hesitation in asserting, that in all the actions subsequent to the first attack on Hernani, August, 1835, not more than one soldier of the Queen's regiment of the line (the least obnoxious part of the army) is now spared during a fight for four who were spared previous to the disembarkation of the Legion. An examination of the proportion of prisoners to the killed and wounded in the affairs that have taken place before and after that period, will, I think, sufficiently demonstrate the correctness of what I advance on this subject." The noble Lord might say that it was not his fault that the Durango decree had been issued. But it ought not to be forgotten that the Durango decree was subsequent to the embarkation of the Legion, and was not framed before it was sent to Spain. He deprecated this assassin-like decree as much as any one possibly could. It was such a monstrous offence against the laws of humanity, that if any such document should incapacitate any one from holding a crown, this was the decree that should do so. But what was happening at the very moment this took place in other parts of Spain? Mina, at this period, was carrying on a most cruel war; and from the mode in which this was done, the noble Lord was not justified in enlisting 10,000 men into the service of the Queen of Spain. He knew that General Evans was a gallant man, and a man of honour and humanity; and yet he might have been called upon to serve the cause of the Queen of Spain under the orders of General Mina, and he might then be called upon to take part in and even execute the atrocities directed by that man. But he would say, that not only the character of the Legion had been affected, but the soldiers had been inured to a system of bloodshed such as British soldiers had never been present at before. Before, however, he proceeded to allude to this part of the subject, he would, in the first place, direct the attention of the House to the treatment experienced by these British soldiers since they had been in Spain. When the Legion arrived at Vittoria on the 11th of August, it was a strong body, and it remained there for the period of four months. During the whole of this time, the troops were placed in uninhabited convents, without being furnished with bedding, fuel, or indeed supplies of any kind. The men were kept there in spite of the strong remonstrances of General Evans, and the wants of the men increased to such an extent, that not less than forty officers and seven hundred men fell victims. The deaths did not arise from excessive fatigue, but it was evident they took place from the misconduct of the Spanish Government in neglecting to make any provision for the troops. At the same time that the soldiers of the Legion were suffering these hardships, the Algerine brigade was billeted in the houses of the town. On that occasion, General Brenelle, who commanded them, said to the aid-de-camp of General Evans, that the authorities wished to send his troops to the uninhabited convents; but he told them that he would billet them by force on the inhabitants the next day, if they were not furnished with what they required. They had not light authority for these assertions as to the conduct of the Spanish authorities, but they had the evidence of high officers of the staff, who all confirmed the statement as to the heartless cruelty of the Spanish Government. Major Richardson said, at page 177: "Feb. 20, 1836.—We have lost upwards of 700 men and 40 officers, exclusive of those who have died elsewhere since Christmas." In little more than two months, Major Hall, General Evans's aide-de-camp, says:—"The cause and origin of disease at such a season of the year was attributed invariably to the want of proper accommodation, bad food, little clothing, and, indeed, the absence of all the necessaries of life." Again Major Hall, in another part of the book, says:—"Notwithstanding the continued exertions and applications of General Evans, the consequences of want became daily, nay, hourly, more fatal; and nothing can atone for the unpardonable neglect and brutality of those whose duty it was to supply the unfortunate sick with the most common necessaries. Beds were wanting, and even covering for more than half the number. What were the unhappy consequences may be easily conceived; ten and fifteen men were each day consigned to the earth." Major Hall then praises the unceasing attentions of the medical officers. These statements showed the impropriety of the conduct of his Majesty's Government in allowing 10,000 British subjects to be enlisted into the service of the Queen of Spain, without ensuring to them better means of support, and better protection from the authorities. If the noble Lord wished to degrade this country to the condition of Switzerland and Hesse, in respecting to hiring out troops, he, at any rate, was bound to imitate the Swiss and Hessians, by taking such steps that the rights of their men should be protected, and that they should not be exposed to such sufferings and hardships as they had been subjected to. He believed, that General Evans had done all in his power to provide for his troops. He had sent General Macdougal to Madrid for this purpose; he believed that he was accompanied by Colonel Wilde, his Majesty's Commissioner in Spain, and that these two officers entered into an agreement with Mendizabal for the supply of the British troops. If this officer had been a party to this proceeding, the noble Lord had sanctioned the engagement, and General Evans had a right to expect that his men would be provided with what they required, and that they would be duly paid. Had he been in the situation of General Evans, no consideration should have prevented him from leading back the troops to England, in order to rescue them from the sufferings they were subjected to, in consequence of the bad faith of the Spanish government. Certainly, General Evans was, perhaps, warranted in acting upon the promise, given through Colonel Wilde and General Macdougal, that the officers and men of the Legion should be better treated for the future; but had he been in General Evans's place, he would not have trusted to such promises. When he reflected how large was the body of men whose lives had been thus shamefully sacrificed—when he considered, too, the circumstances under which they lost their lives, not in the usual vocation of soldiers, not in an engagement with the enemy, but in cantonments—it appeared to him that the system under which such atrocities had been committed, called for loud reprobation. He had been present during the Peninsular war, in 1813, at the battle of Vittoria, and he could state that, in that glorious action, the loss of the British was little more than half the number of men the Legion had thus lost by the ill-conduct and brutality of the Spanish government. It was seldom that he obtruded on the attention of the House any matter personal to him; but there was a circumstance connected with the action of Vittoria, that he thought he might be excused for mentioning. The enemy being posted on a hill in front of Vittoria, he received orders to carry instructions to General Picton. General Alava, who was near him at the time, said, "Observe that hill; it goes by the name of *El Monte de los Ingleses* (signifying 'mountain of the English'), and received its name from a victory gained there by the English some centuries ago." In two hours afterwards, the enemy's position was carried, and he would venture to say, a triumph far greater than the former one, achieved. The British Legion afterwards went to Trevino, and Major Hall said, that—"Numbers of the men were sacrificed who returned with frozen feet, sick, wet, and weary, without any change of clothes; and thus many died in misery and pain, whilst others, by the loss of legs and feet, which required amputation, were left mutilated, in the vain hope of receiving pensions wherewith to drag out the remainder of their miserable existence. But every officer of the Legion is well aware how cruelly and dishonourably these hopes have as yet remained unfulfilled." These were the words of one of General Evans's aides-de-camp; and this was six or seven months after the arrival of the Legion in Spain. He had commanded a brigade in that part of Spain for two months, when the ground was covered with snow; during that period he did not lose a single man, because his troops were well fed and clothed, and the cause of all the misfortunes of the British Legion was, that the men had not proper clothing or sufficient food. When the Legion left Trevino, it went to the coast, and then returned to St. Sebastian; but, notwithstanding the promises made to General Macdougal at Madrid, the men were not paid; and as much as four and five months' pay was in arrears at that time. The troops showed a great disposition to mutiny in consequence; and instances of insubordination occurred daily. This was strong evidence of the impolicy of allowing a large body of Englishmen to be collected together and armed, without precaution being previously taken for the due payment and provision of the men. It was always impossible to enforce discipline, unless the bargain with the soldier was scrupulously fulfilled. If you gave the soldier his rights, as he termed them, then you could enforce discipline, because, having observed your part of the contract with fidelity, you would then have a right, in case of necessity, to act with severity. But when troops received no pay, insubordination became frequent, mutiny broke out, and scenes of the most painful description occurred, such as those which it would now be his duty to bring under the House. There had existed, unfortunately, strong reason to apprehend that the blood of one battalion would have been spilt by another battalion belonging to the Legion. The men of the Scotch regiment fancied, that they had a legal right to be discharged at the close of one year's service, but the authorities at St. Sebastian maintained that they were bound to serve for two years. The men, unable to obtain their discharge, mutinied. On this occasion the 10th, an Irish regiment, offered to fire on the mutineers, in case they did did not submit; and it was a notorious fact, which might be proved by indisputable evidence, that 400 men belonging to the Scotch regiment, after being marched up to the Castle of St. Sebastian, through lines of Spaniards, were in a most insulting manner forced on board ship at the point of the bayonet. One cause of the discontent which manifested itself in the Legion was, as he had before stated, that the men were not allowed their discharge after the termination of one year's service, though they considered that to be the full term of their engagement. Major Richardson, who was a most unobjectionable witness, was very precise in his information on this head, and he could not do better than quote that officer's own words. Major Richardson said—

> "The beginning of August was the termination of the year of service of many of the men of the Legion, and more particularly of the Scotch regiments, the 6th and 8th. The 8th had previously mutinied for want of pay, which step they found successful in obtaining it, although it had been pretended there was no money whatever in the military chest.
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> "Their conduct was considered so refractory, that it was deemed prudent to get them out of the way altogether; and some troops being required at Santander, where Gomez had made his appearance, they were driven on board for that destination, literally at the point of the bayonet, by the 9th Irish. While at Santander, their conduct did not improve: they sold their necessaries in every part of the town, and were constantly inebriated with the proceeds. Their original insubordination had been caused solely by a violation on the part of the lieutenant-general, of the terms under which they had engaged in the service.
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> "The 6th, among whom insobriety was of rare occurrence, were also infinitely more determined. The regiment having vainly demanded a release from the service, in consequence of their having fulfilled the year of contract for which they had been engaged, refused to obey their officers: accordingly they were marched upon the glacis of the town, for the purpose of being disarmed. About 300 returned to their duty, after a sharp lecture from Brigadier-General Shaw; the remainder (about 300 also) were sent to the Castle of St. Sebastian, in the expectation that their resistance would be thereby subdued. General Evans was obliged eventually to acknowledge their claims to retirement, and to send them home.
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> "The 6th were much condemned for insisting upon their right of retirement. The 10th Irish regiment, which had been the first to

offer to fire upon them, if required, and to express their readiness to serve without pay, subsequently threatened to go over to Don Carlos, unless they were settled with; and when they did receive their money (mutiny, which ought to have been anticipated, achieved this result), they continued for a length of time in the most riotous state."

After such a description, could any one feel surprise at the occurrences which subsequently took place? He (Sir H. Hardinge) offered no opinion as to the right which these men claimed of being discharged, but the officer whom he had just quoted strongly insisted on it, and endeavoured to prove that the men were justified in their demands by the fact that the officers who claimed the right of retiring at the end of one year's service were allowed to do so, without having their names gazetted as deserters, or being brought to courts-martial. The men were not, however, allowed the same privilege. He (Sir H. Hardinge) thought that nothing so forcibly demonstrated the impolicy of suffering a large body of armed Englishmen to proceed to Spain without providing means to supply them regularly with pay, clothing, and food, as the demoralized state of the troops at St. Sebastian. It certainly could not have surprised any person who knew what the condition of the Legion really was, to hear of the arrival of 200 deserters at Bayonne; but it grieved him to learn, from the newspapers, that those unfortunate Englishmen who had deserted because, as they said, their rights had been violated, were, notwithstanding the presence of an English Consul at Bayonne, treated as paupers, and obliged to march by brigades of ten at a time along the high road to Calais, subject to the derision of the people, who pointed them out to the children in the streets, "crying "*Voilà les Anglais!*" What a contrast was this to the manner in which the British army had previously marched over the same ground! What a degradation he regretted to say to the national character! To give an idea of the state of insubordination which existed among the troops at St. Sebastian, he would quote the words of a gentleman who had served in the Legion for a year and a half, and whose evidence ought therefore to have some weight with the House. This gentleman (Colonel Churchill), in a letter which he had thought it due to himself to write last January in explanation of his reasons for quitting the service, expressed himself thus:—

"Colonel Churchill gives his reasons for resigning the command of the Westminster Guards. After the meeting of the superior officers of the Legion, early in December, it appeared to me obvious that there was no prospect of any amelioration in our affairs. With an empty chest, and close run for rations, my heart revolted at the idea of a recurrence of the horrors and disasters of last winter at Vittoria. In the next place, it was evident that the officers had not that control over their men which is indispensable for the well-being of an army. The soldiers had so much ground for complaint, and the nature of the service was such, that subordination seemed almost at an end. Could my longer continuance in the Legion have been of any practical benefit to those who naturally looked up to me for support, I would never have left the brave men I had the honour to command, in whose sufferings I sympathised, and in whose glories I participated. For these reasons my principles as a British officer, and my pride as an independent Englishman, made me feel that the time for endurance had been passed. I resolved to submit to such a state of things no longer. When the taint of indiscipline and disorganization has once affected an army, it is not the cry of victory that will destroy its fatal consequences. Let justice be done to our countrymen. They ask no more. That will have more effect on them than twenty victories." The letter was signed

"C. Churchill,
Late Colonel Westminster Guards."

He entirely agreed with that gallant officer, and he thought it impossible for any man to express himself with greater propriety or more humanity; but unfortunately the misfortunes of the Legion did not stop at the point mentioned by Colonel Churchill. He had alread shown what had been the conduct of the Spanish government to the men of the Legion at Vittoria; he had proved the frequent occurrence of scenes of mutiny and insubordination at St. Sebastian, rendering the maintenance of discipline perfectly hopeless, according to the testimony of Colonel Churchill; and he now had to direct the attention of the House to what was indeed a very painful part of the subject. He now felt called on to show, that after mutiny and insubordination had manifested themselves in the ranks of the Legion, the soldiers, either from demoralization, or from the necessity of retaliating on the Carlists in self-defence, carried on the war in the neighbourhood of St. Sebastian with such barbarity and ferocity as made it imperative on the House, whatever might be the political opinions of hon. Members, to interfere for the purpose of putting a stop to it. He felt called upon to notice these circumstances, because he and his right hon. Friend near him had always protested against the impolicy of allowing the British Legion to serve in Spain; and last year the Earl of Aberdeen had urged the Ministry not to allow the Legion to remain in Spain. The jealousy of the Spaniards with regard to foreign intervention was well known. General San Miguel had declared against the interference of foreigners, and his sentiments were openly repeated by many Christino officers. The expediency of withdrawing the Legion was urged by Lord Aberdeen. What was Lord Melbourne's answer? He learned from the usual sources of information that Lord Melbourne's reply to that humane proposition was as follows:—" It is undoubtedly desirable that those who are in the profession of arms should avail themselves of the means of educating themselves in other parts of the world. Young officers should not be forbidden from seeking crosses, and unemployed persons of the lower classes be prevented from gaining an honest livelihood." And, " that these men are receiving, I believe, much the same sort of education that all soldiers receive in time of war; at least, all soldiers placed under similar circumstances." He had been for a long time in the army, but he never witnessed or heard of such acts of insubordination, mutiny, and ferocity, as had been committed by the soldiers of the Legion; and yet it was to Spain that British officers ought to go according to the Prime Minister, in order to learn proficiency in their profession. The same opinion had been expressed by the writer on Spanish policy whose opinions were adopted by the noble Lord opposite. That writer observed—" Why should our officers be forbid from obtaining crosses, and honours, and practice in their profession? and why should the unemployed men of the lower classes be prevented from gaining an honest livelihood?" The noble Lord opposite surely would not contend that the mode in which the war was carried on was creditable to the profession of a soldier, or calculated to be of advantage to an officer anxious to become proficient in his art. It was hardly necessary for him to allude to the cruelty of which Espartero was guilty outside the gates of Vittoria, in ordering, one morning, ten Chapelgories (who were probably innocent men) to be shot; for it was his object to show the great exasperation which had been excited, not only among the common soldiers, but also among the officers at St. Sebastian. He would read to the House the address made by one commanding officer to his regiment, previous to the assault on the Carlist lines, on the 5th of May; but he would, beforehand, state how he ascertained the authenticity of that address. He first read it in a publication called the *Monthly Repository*, and he wrote to know whether the individual who had caused it to be inserted would give his name. The editor replied that he was a gentleman whose authority might safely be relied on. He was not satisfied with the answer, for he was determined never to mention as facts statements which proceeded from doubtful or anonymous sources. Happening, however, to mention the circumstance to the hon. Member for Oxford (Mr. Maclean) he ascertained that there was an officer in London belonging to the Rifles, who had heard the address to which he alluded delivered. That officer who had given him permission to communicate his name to the noble Lord opposite, assured him that the account he had seen was perfectly correct, and that account he would now read to the House:—

> " The spirit with which the British Legion entered into action on the 5th of May, may be gathered from the verbatim addresses of the commanding officers to the regiments under their command. 'Rifles!' said the major, who in the absence of Baron de Rottenburgh, commanded that regiment, 'we are going to be engaged to-morrow: the enemy shows no quarter, neither shall we; skiver every man you catch; take no prisoners; show no pity to the wounded; skiver every man you meet!' 'Men!' said the gallant colonel of the 4th regiment, 'now, we will have no nonsense; no firing behind walls;—fix bayonets, walk into them, and skewer the scoundrels."

These were orders, be it remarked, given in cold blood the day before the action took place. How that order had been carried into effect was stated by Major Richardson, an unexceptionable authority, in these terms:—

> "A heavy cannonade was opened by the Phœnix upon the enemy's battery, on the left of their position, which the 1st Brigade had attempted, ineffectually, to carry. By this fire a breach was effected; and the 4th and 8th (reserve) coming up, the left of the position was stormed and gained. The Carlists, thun-

> derstruck, saw that the day was lost, and sought safety in flight; but no mercy was shown them, for they had savagely bayoneted several wounded officers and men in the early repulses. Numbers fell beneath the steel of the enraged assailants, burning for revenge; and not a Carlist who could be reached lived to recount to his comrades that the English Auxiliaries, in imitation of the examples set by themselves, give no quarter. The other brigades, cheered by the examples of their comrades, who had come fresh into action, once more moved to the assault. The Irish, like the 1st Brigade, bayoneted all that came near them. We have seventy-eight officers and nearly 800 men killed and wounded."

This statement was sufficient to show that the auxiliary army in Spain was not the best possible school to which British officers could resort for their education, whatever the noble Premier might think of the matter. The mode in which this war had been carried on was altogether unlike anything in his own experience; and the statements were so painful to him, as a British officer, that nothing would have induced him to bring them before the House but the obstinate obduracy of Government in resisting every attempt which had been made to induce them to recal the Legion. He ought to say, that he believed General Evans had done every thing in his power, by negotiation with the opposite army, to induce them to lay aside the ferocious mode of making war which had been adopted. Though he might be of opinion that in some instances that gallant officer had been misled by his judgement, he thought he had done all he could to humanize the war, and the way in which it was conducted was no fault of his. He believed that the gallant officer (General Evans) was totally ignorant of those orders which he had referred to as having been given by one or two of his officers. There was another order, which however, he had not read, because he had not been able to authenticate it as he had the others; but he thought that these orders, as far as they went, would illustrate the position he sought to establish. He thought he had succeeded in showing that the state of the Legion was such that, as Colonel Churchhill had said, "it was hopeless to expect amendment." There had been slaughter and brutality on both sides. This was not honourable war; it was butchery; and we were butchering a people who, as he said before, were a fine and independent people, and who had committed no offence against this country. When he put together these facts—when he recollected that these Basque people were a proud, free, and independent people—he would ask what right had this country to carry on a war of extermination? He denied the right, and he called on the noble Lord to retrace his steps, and to revoke the order in council the first opportunity. He had shown the House what had been the result of the mutiny and insubordination of the army; and he would say, that what he had described of its progress appeared to him to be the natural cause under the circumstances. Ill-treatment, want of food, and want of clothes, had induced these unfortunate men to become parties to mutiny and insubordination; and what followed? Why, that they ceased to have the proper confidence in their officers. They had not confidence in their officers when the opposing army appeared, and that which was to be expected followed, viz., defeat and disgrace. Let them palliate the misfortune as they would, however disagreeable it might be to many, there was no doubt of the fact that a large body of soldiers who were British subjects had suffered a defeat such as he believed no British soldiers had suffered in the course of the last five or six hundred years. He would not enter into a detailed description of the circumstances attending the action to which he was adverting; it was sufficient for his present purpose to state, that we had a large proportion of his Majesty's artillery there, which, in his opinion, ought not to have been there; and the conduct of those men contrasted most favourably with the conduct of those who, when commanded by officers in whom they confided, showed on previous occasions that they were as brave as the men of any other nation in the world, because they were treated as they ought to be; but on the present occasion, having lost all confidence in their officers, they were defeated. On the occasion of the 16th of March, being within three miles of the magazines, and having been exposed to the inclemency of the weather for a week, it might be supposed that they would have been well supplied with rations. On the 16th of March, however, there were no rations to eat; but there was, he believed, a ration of rum. The women who had followed the army from St. Sebastian had brought some spirits with them. In order to destroy the sense of hunger the men resorted to the spirits, and the consequence was, that more than half the Legion were intoxicated on that day. What could be expected from an army in such a condition. How was this state of things to be remedied? The only thing for the noble Lord to do was, to recal the Legion. Let not the noble Lord renew the order in council, and as a British Minister take every step from this time till the Legion were recalled, to see that they should be properly treated. If he thought the noble Lord still wanted a lesson on the art of war he should be glad to explain to him why in his judgment, the system, he was now pursuing must fail. He should say, let the noble Lord contrast the conduct of the British Legion on the 16th of March, with the conduct of his Majesty's Royal Marines. The Royal Marines were on that day officered by gentlemen holding his Majesty's commission—by gentlemen in whom the men were accustomed to place confidence; and the men themselves were well paid, clothed, and fed. The British Marines did their duty: so did the Royal Artillery. Of their force, comprising from eighty to ninety men, not one man misconducted himself, though the rest of the forces—though the British Legion—were seized with panic. In the midst of the humiliation he felt on account of that defeat, it was some consolation to him to know, that the regular part of his Majesty's service had done their duty. In making these remarks he wished not to be understood as reflecting in any way on the officers; no one could deny, that General Evans and the officers of the British Legion had conducted themselves with the greatest bravery. But he would say, if we made war, let us make it directly, and not indirectly; let us make it in a manner that was honourable; do not let us adopt such a course as he was deprecating, because if we did, the result would be inevitable failure and disgrace. He maintained that the Marines on that occasion, great as was their good conduct, and able as was the manner in which they were commanded by Colonel Owen, were improperly called into action; he maintained, it was no part of the articles of the treaty that his Majesty's navy should be so employed. He had shown the House why he thought the order in council ought not to be renewed, and he would now refer to some details, to show why, in his judgment, his Majesty's Ministers ought not to have sanctioned the employ of the Marines as they were employed in the battle of Hernani. If it were necessary that our vessels of war should be placed on part of the line of coast occupied by the belligerent parties, it might be necessary to have in our possession some batteries, in order to secure the place of anchorage; and if the noble Lord had contented himself with allowing the British Artillery and Marines to remain in the garrison of Passages, though he might have objected to their taking up a position on land, he did not know that he should have felt himself called on to bring the subject under the consideration of the House; but the noble Lord was not contented with landing 400 of his Majesty's Marines, and eighty of his Majesty's Artillery of the land service; he was not contented with landing these eighty Artillerymen and the 400 Marines from the four vessels in his Majesty's service—a proceeding, the justification of which was only to be found in the occupation of the fort of Passages being necessary to secure the place of anchorage. No; these Marines and Artillerymen, instead of keeping within their lines and guarding their anchorage, were allowed to march seven miles inland; and not only did they take up that position in support of General Evans, but they acted on the offensive. His Majesty's Artillery, seven miles inland, under the command of Colonel Colquhoun, was employed throwing shells on Hernani. Could that be a proceeding which was within the terms of the treaty? What were the terms? The articles to which he was adverting were the two additional articles; and, what was a great advantage in documents of this description, they were short. The hon. and gallant Officer then read the articles as follow:—

> "Article 1. His Majesty the King of the French engages to adopt such measures on the frontiers of his states as may prevent the Spanish insurgents from receiving from the French territory any kind of assistance soever, whether in arms, men, or munitions of war.
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> Article 2. His Majesty the King of Great Britain and Ireland engages to supply her Catholic Majesty with such arms and munitions of war as she may stand in need of; and, moreover, if necessary, to assist her Catholic Majesty by the use of a naval force."

Now, he put it as a matter of common sense, whether it was not intended that under the first article there was to be established a blockade by land on the French frontier, or what was called a *cordon militaire?* and whether the second article did not apply only to a blockade of the coast on the part of the English? The French had confined themselves properly to the observance of their part of the treaty; but what had we done? We had not been contented with merely establishing a naval blockade, but, as had been stated by Colonel Colquhoun, four of the guns of his Majesty's Artillery had been employed in the action. Nor were they employed distinct from the Legion, but were attached to the Legion in the action of the 16th of March. It appeared that Captain Bassett received an order from Colonel Evans to bring his guns to the left, in order that he might attempt to stop the Spaniards from coming over the bridge. He was too late, however, to succeed; for scarcely had he fired three or four shots, before the British Legion was seized with panic, and the result was, that he was obliged to make the best of his way and fall back to the Marines, which he did in perfect good order. Here, then, were our land artillery brought seven miles from their garrison to act with the Legion, at a distance and distinct from the Marines, and as if they were a portion of the Spanish army. The noble Lord might again favour him with a definition of what he considered to be naval co-operation, but having one definition of what it was from the noble Lord before he received another, perhaps the noble Lord would allow him to refresh his memory as to the definition he had given on a former occasion. The noble Lord had contended that that was strictly a naval force which was under the command of naval officers, which relied on ships as its chief support, and of which ships formed the chief feature of operation. That definition was given by the noble Lord before the battle of Hernani. He begged to ask the noble Lord whether, on that occasion, ships formed the chief feature? Did the Artillery ever retire to the ships? No; they retired on St. Sebastian, being seven or nine miles from the ships. There was another definition by the noble Lord to which he might refer, in which the noble Lord said, that was to be considered a naval co-operation, w en, from the very nature of the occasion, it was impossible to employ a force in the interior of the country. In the present instance, the force left the coast, and marched inland seven miles, and his Majesty's Marines were nearly captured by a superior force; for he believed, that nothing but the weariness of the Carlists prevented them from following up the advantage they had obtained; and it was no disparagement of a force of only 400 men, to suppose that they would not have been able to resist a force of 8,000 or 10,000. He contended, then, that the British Legion having been seized with panic, it was by the greatest good fortune that his Majesty's Artillery and Marines were saved. He held the King's prerogative in as high respect as any man, but he must say, he considered it very unusual for warlike operations to be commenced without a message on the subject having been first sent by his Majesty down to that House. To have employed the King's forces to slaughter the Basque people without a message having been received from his Majesty, appeared to be very extraordinary. How did the noble Lord make war? Gomez having advanced with his army to within a short distance of Madrid, came round to San Roque. Having arrived in the neighbourhood of Gibraltar, the officers of the garrison went to visit Gomez in his camp, and see the nature of his army. Was it not remarkable that on the same day that our officers from the garrison visited Gomez in his camp, on that very day, according to the newspapers, from which he derived his information, one of his Majesty's ships, lying in the bay of Algesiras, fired on the columns of Gomez by command of the King's officer, it being stated that Gomez had no artillery, and all the harm that could be done was to kill some of his people. Thus by a curious construction of the law of nations, it appears that our land officers went out and met on good terms that very force which our navy fired upon directly it made its appearance. Was this a proper mode of declaring war? He recollected an anecdote of Lord Exmouth, which as it bore on the event to which he was referring, he begged to narrate to the House. When the noble Lord, then stationed in the Mediterranean, was chasing the French squadron, himself being on board the Caledonia, he came to within half-gun-shot of a French frigate. The Caledonia was firing into the frigate; but it being evident that she would get into harbour, he cried out with a nobleness of heart which distinguished him, "Avast firing! we can't catch her, so don't let us knock off her men to no purpose." Why, he would ask, had we fired on the columns of Gomez, when it was evident there was no point to be gained by the sacrifice of human life? He would say, that this was a mode of proceeding which he must consider to be very improper, and the sooner the House of Commons came to the determination of preventing his Majesty's Ministers from continuing such a course the better. He maintained that after the statements he had made, and the noble Lord having resisted all that had been addressed to him to persuade him to pursue a different line of policy, it became the duty of the House to interfere and take care that our Marines and Artillery were not again employed in this unholy warfare. He would say, it was a most unchristian warfare. What right had his Majesty's Ministers to attack the Basque people in this way? What right had our Artillery to slaughter them? In his opinion, the Members of this House would not perform their duty to their constituents, who could not but disapprove such proceedings, if they did not put a stop to them as soon as possible. He would not fatigue the House by going into an inquiry into the nature of the military operations of the Legion at the battle of Hernani. His business was with the Government. He did not mean to impugn the military capacity of General Evans; whether he had managed well or ill was not a question for that House—for having managed gallantly everybody would give him credit. Those were questions which might be raised by military men, who would discuss them according to their individual views of such matter; but as that gallant Officer would probably be shortly in England, and would have the opportunity of giving any explanation that he pleased, he would not think of going into them then. He would contend, however, that he had laid before the House sufficient grounds for the motion he had made. He had shown to them that failure was the necessary result of the measures of the noble Lord; that we had rendered ourselves, by this mode of carrying on the war, obnoxious to the jealousies and all the bad passions of the Spanish people; that we had taken measures calculated to destroy that feeling of reciprocal regard which had always heretofore existed between the Spanish and the English nations; that we had shown ourselves the opponents of a party, and not the friends of the State. By the conduct that had been pursued, the noble Lord had deprived the English nation of being mediators in the quarrel, and of terminating deeds which were shocking to humanity. He had shown to the Members of that House that their unfortunate countrymen had been dying of the most cruel want: he had shown what were the consequences of these transactions, that the men belonging to the Legion were without discipline, and the officers without authority. They had heard of the disastrous results—they were told of danger and defeat. He had been a British Officer for many years—he had witnessed the horrors of war, such as they were, according to the practices of civilized states; but he must say, that he entreated of the House, if it had a consideration for the national character—if it had a regard for the military reputation of the country—if they looked to that which he could not but believe to be of the utmost importance to them, he then conjured them no longer to permit war to be thus made on the principles of the noble Lord; he besought of them to withdraw from the contest in Spain, not only the Legion, but the naval force that was now engaged there. As a Member of that House, as one in that respect whose duty it was to watch over the interests and the honour of the people, he besought of them to withdraw men from continuing in a war such as he had described; nay, more, he called upon them to put a check upon the noble Lord and his Government in his reckless career, and to restrict them strictly to the operation of a treaty which his Majesty had unfortunately been advised to conclude. The right hon. Baronet concluded by moving, "That an humble address be presented to his Majesty, praying, that his Majesty will be graciously pleased not to renew the order in council of the 10th of June, 1835, granting his Majesty's Royal licence to British subjects to enlist into the service of the Queen of Spain, which order in council will expire on the 10th of June next; and praying, also, that his Majesty will be graciously pleased to give directions that the Marine forces of his Majesty shall not be employed in the civil contest now prevailing in Spain, otherwise than in that naval co-operation which his Majesty has engaged to afford, if necessary, under the stipulations of the treaty."

Sir *Stratford Canning*, in rising to second the motion which had been read to the House, could not but express that which was the general sentiment of the House—it was, to thank his right hon. and gallant Friend, for having brought under their notice this very important subject; and he thought that the House would feel with him, that justice had been done to this interesting and important question, and that his right hon. and gallant Friend had laid before them ample grounds for giving to it the attention that it deserved. In so doing, his right hon. and gallant Friend had done credit to that professional character which he had so long maintained, and to that branch of the public service of which he was so great an ornament. That the subject was a most important one, it was not necessary for him (Sir Stratford Canning) to repeat—it was one which was so connected with the interests of this country, and those, too, of the deepest consequence—it was also one that affected their national character, and their national honour. His gallant Friend had justly said, that he had performed his duty in bringing this subject under the notice of the House. The fact was, that from the time that the foreign legion had been first raised, from the time that the order in council had been issued by his Majesty, that Act had been questioned; and in proportion as the country beheld the consequences that followed, it had increased its anxiety that that Act of the Government should be brought under the notice of the House, and this with the wish that it should be reconsidered. He said, then, that his right hon. and gallant Friend had performed a duty for which he justly deserved their acknowledgments—this he had done, in having brought the subject so ably, so feelingly, and with so much effect, under the notice of the House. Briefly, then, as the subject would allow, he would address the House. He was sure he was inadequate to such a task, or to merit their attention; but he knew that he could rely upon the indulgence which he had, upon more than one occasion, experienced from the goodness of the House. It was not upon that part of the subject which had been immediately under consideration—that which was connected with the military profession, and which had already been amply treated of by the gallant Mover—it was not upon that portion of the subject he meant to address them; he considered that part had been amply treated on, and he, therefore, should not enter at any length into a part of the subject which his own habits rendered him particularly inadequate to discuss. He meant to consider such parts of the subject as were connected with the civil proceedings of the Government, and on which the military operations had arisen. He wished to have leave to say, with his gallant Friend, that if he felt himself obliged to come forward, and question the policy pursued by the noble Lord at the head of the Foreign department, he had no intention of separating that noble Lord from his Majesty's Government. In making observations upon the course pursued, his noble Friend must be well aware, that he had not any feeling of an unfriendly nature towards him; and if, upon this occasion, he was induced to take an early part in the debate, it was only from a sense of duty—it was only from a consciousness of the importance of the subject, that he desired to throw what light he could upon it, and, if possible, induce the House to support the motion made by his gallant Friend. He was not present when a noble Friend behind him so ably introduced the general subject of the policy pursued towards Spain to the House. He did not mean, however, to take advantage of his absence upon that debate, by again touching upon topics which had been before submitted to them; yet there were one or two points which he wished to take notice of, before he entered more deeply into the subject. He was not inclined—he was not from an early period inclined—to throw the slightest shadow of doubt upon the policy that his Majesty's Government had adopted in recognising the justice of the claim of the Queen of Spain to the throne. It was sufficient for the Government, in his opinion, that they found her the Queen *de facto* in Spain. They were right in acknowledging her as Queen. She was the Queen *de facto*, and what they did rested on sound and substantial grounds, inasmuch as all the constituted authorities recognised her, after the death of the late King. They saw, too, no difficulty made to the recognition of her title. They saw her recognised by the Cortes—they found her title recognised by the grandees—the army, too, had sent in its adherence from every part of Spain. Throughout all Spain, exclusive of the Basque provinces, the Queen's title was recognised. It was not, then, for his Majesty's Ministers, supposing they had a capacity of entering into the niceties of this question, which was more fit to be decided by Spanish lawyers—it was not for them to determine it—it was enough that these were the circumstances he had stated, to justify the policy of his Majesty's Government. At the same time, he being in Spain, could say, the question was brought forward in a more astounding shape. [Hear, hear, from *Lord J. Russell.*] At that time he was in Spain in the service of the Government, and on a subject respecting which he would say, that instructions had been given to him, and that it was impossible for him, in accordance with his instructions, to have accomplished the proposition he was directed to make. He said, that in answer to the cheer of the noble Lord. He said so when he found that his character was attacked, as he understood an insinuation to be conveyed by that cheer. He understood the position he had taken then as well as now. At the time he referred to he was called upon to execute instructions which it was not intended to enforce—it was known to his Majesty's Ministers that the head of the Government would not have admitted the proposition he was instructed to make. It was not his intention to have touched upon this subject, but he was taunted into it by the cheer of the noble Lord. He was sure that the noble Lord at the head of the Government would not have been so indiscreet. He would now endeavour to adhere to the straight line he intended to pursue, and he was sure that it would be more for the convenience of those who listened to him, if he were permitted to do so. It was not his intention to go into the subject so far as to call in question the validity of the treaty that had been made. He did not mean to enter into the question as to the general policy acted upon by the Government. The Government having determined upon intervention, the natural question presented to the country was this—whether we were to give to the Spanish Government a moral support, or one of a positive and national kind? By the line that was taken, were they to make themselves responsible for the burden of a material support? This question not only applied to the treaty with Spain, but it also applied to the provisions part of the Quadruple Treaty, more especially to that part referring to Portugal. It was not sufficient for the country to be contented in taking that general view of the subject; but they were on the whole to say whether they were right in maintaining the claims of those sovereigns, and what was their interest in their cases. But then, looking precisely to the nature of those engagements, and the particular interests to be attained, whether was there a sufficient compensation to be found for the expenses and the danger to be incurred. It was precisely in proportion to the extent of the engagements that they could estimate their importance, and therefore it was, that he was anxious that their extent should be exactly ascertained. In pressing this part of the subject, he was desirous that they should look to the circumstances that led to the formation of the first treaty, and also to the adoption of the additional articles. He was aware that both, in diplomatic arrangements, were part and parcel of the same treaty; but, in point of fact, they were to be considered as adopted at different periods. What were the circumstances that led to the adoption of the Quadruple Treaty with respect to Portugal? The pretender to the Spanish crown had left Spain before his brother's death, and established himself in Portugal. He was received by Don Miguel, who was regarded as an usurper here, although recognised by the court of Spain. Don Carlos had united his cause with Don Miguel; he did not go the length of hoisting the Spanish colours, but several of his Spanish partizans got around him, and he thus formed the nucleus of a force which might have been directed against Spain on a future occasion; and, connected as he was with Don Miguel, that which was going on in Portugal was a subject of great anxiety to the Spanish government. From such danger as then threatened the Spanish government, it was desirous to be relieved; first, by amicable remonstrance, and, on the failure of that, by physical force. The subject then naturally presented itself to the British Government, either to allow a Spanish force to enter a country with which this is bound in the closest ties of intercourse by a long standing alliance—and, as his noble Friend was well aware of, they were obliged to send an armed force there in case it was subject to a foreign invasion—they were then either to witness a foreign invasion—or, considering that there had not the *casus fœderis* arisen, they were to come within the spirit of the treaty with Portugal, and take up the common cause of the Queen of Spain. These were circumstances that constituted a very natural, just, and cogent claim upon the Government of this country. He could perfectly well understand how the Government, taking a statesmanlike view of this matter, should enter into the Quadruple Treaty. But when the arrangement was made, it was of material interest to observe in what shape assistance was to be provided from them, as well as by other powers. The principle of the treaty was co-operation. The King of France was to aid in one way; the Spanish Government was to provide physical force; the English Government was to afford naval force; the object to be obtained was the expulsion from the Peninsula of the two princes. Under these circumstances, the treaty was made, and that was the object for which it was to operate. The policy of such a treaty did credit to his Majesty's Government. Additional articles to the treaty had been signed, but that was late in the same year—certainly after the distance of some months. In the meanwhile great changes had taken place in the Peninsula, and very considerable changes had occurred in this country. If he recollected rightly, a very considerable change had taken place in the Government of this country. When the first treaty had been made, Lord Grey was in the administration: at the time of the additional articles, a change had taken place—first, in the retirement of Lord Stanley and three of his colleagues, and then the subsequent retirement of Lord Grey. He mentioned these facts rather to mark the interval of time that had occurred, than for any specific bearing that they had on the argument in question. What, then, were the circumstances under which the additional articles were signed? Don Carlos had come here, he had made his escape from this country, and appeared in Spain. This was, he believed, before the death of Zumalacarreguy. Don Carlos arrived in July, and the articles were signed in August. Don Carlos was in Spain at the time that the addition to the treaty was made; and notwithstanding the treaty of Portugal was for the expulsion of the two princes—notwithstanding all this, there was nothing in the additional articles for his expulsion. That which was a great object in the first treaty was omitted in the second, and a very vague character was given to it. As the requiring the assistance to be given limited that assistance, on the part of the King of the French, to taking measures to prevent supplies from passing the frontiers of France, so on the part of the English, they were, only in case of necessity, to assist her Catholic Majesty with a naval force. This confirmed the view, that the original idea of the treaty was not one of naval operations, but that of a blockade—that the real intention of the treaty was to co-operate by sea where the civil war was going on. But the question they had to discuss related to military objects. They had heard from the hon. and gallant Mover of this motion all that related to the employment of the Legion, and of the manner in which the Marines of his Majesty's forces were employed, and how the royal Artillery were employed in Spain. They would naturally look to the treaty to see whether there was anything in it to bear out this mode of co-operation. It was evident that the treaty did not, in the slightest degree, refer to military assistance. He had looked at the additional articles, and he found, that not only was the assistance confined to a naval force, but that naval force was to be used in the most limited possible manner. But when he looked at the execution of the treaty, he saw, that not only was the naval force used in what he would call a military manner, not only had the Marines become a military force, but they had been taken from their ships and used at a considerable distance as a land force. This, he thought, incontestably showed the *animus* with which the Government was actuated. In addition to that, the Legion had been employed and had suffered in the manner so ably and feelingly depicted by his hon. and gallant Friend. He would suppose, from the manner in which the treaty was carried out, that the object of the policy of his Majesty's Government, as understood by Parliament, was, that military aid should be furnished to Spain. When he looked at the contrast between the articles of the treaty and the conduct of his Majesty's Government, the question naturally arose, whether, if they tacitly consented to these articles, they did so under the supposition that a naval force should only be employed, and that limited to objects in harmony with the circumstances which that service was calculated to produce, but that their policy, subsequent and collateral, was one of collusion, and one that was inconsistent with the views and feelings of a large portion of the people of this country. When he looked at the contrast between the articles of the treaty and the execution of it by his Majesty's Government, to which, however, he was far from attributing any bad intention, nothing could be plainer to his mind, than that the execution of it should have been in unison with the natural and grammatical interpretation which its provisions would receive,and that it should have been limited to objects which were in harmony with our own service, and the least calculated to produce unpleasant consequences. The execution of the treaty, however, was totally different from the letter of its stipulations, and the country was surprised, and he might say cheated, into a course of action which was essentially contrary to, and different from, the course which it was supposed would flow from the language and policy of the Government. It was impossible to approach this subject without feeling the full weight of its importance, and therefore he could not take his part in the discussion without much anxiety. He was the more anxious on this occasion, because not only was the safety of the Legion involved, but the character of the country was at stake, and the colours of the nation compromised on that soil which had been the theatre of the exploits of the greatest captain of the age. It was impossible to approve of the conduct of his Majesty's Government, and the line which they had thought proper to pursue—a course of conduct the most unsatisfactory that could be conceived, leading, as it did, to no practical result, but nevertheless terminating in the discredit of the country and the dishonour of her flag—on the same ground on which her greatest triumphs had been achieved. It was impossible, he repeated, not to be struck by the contrast between the meaning of the treaty and the spirit in which it had been executed, or to avoid a strong feeling of excitement when such a topic was under consideration. What was the shape given to the stipulations of the treaty? A body of soldiers, not taken from his Majesty's service, not enjoying the advantages which such a position would afford them, but placed under every possible disadvantage in maintaining the honour of the standard of their country—this body of men was placed at the disposal of a government which showed very little concern for the benefits to be derived from their services, and which had exhibited towards them a degree of ingratitude unusual even in Spaniards, who had always evinced the most jealous feeling towards foreigners on the Spanish soil. He said, that the character of this body of men, who had been employed in the service of the Queen of Spain, furnished by this country under the Act of the Ministry, carrying with it, as it did, all the responsibility to this country, as far as its character and conduct were concerned, was not only compromised, but that there was serious hazard that their just rights would not be considered by the Spanish Government in the way to which they were by their services entitled. It was impossible not to consider this as an additional circumstance calling for explanation on the part of the Government with a reference to the policy which induced them to recommend the suspension of the Foreign Enlistment Act. He was aware that examples might be found in our history where the same policy had been acted upon by our Government. We might, however, be considered to be much more enlightened than they were in the times gone by. But even supposing that proposition to be disputed, were we to continue an objectionable mode of employing the military resources of the country because in different times, and under different circumstances, it was considered prudent to have recourse to that expedient? We know positively, indeed, that in the reign of Queen Elizabeth, under circumstances of permanent and pressing national interest, when all Europe was divided into two great parties, and there was a contest for ascendancy between Protestant and Catholic, when, under the banner of religion, this country was threatened by the most powerful sovereign that ever existed, such a course had been adopted. But the sovereign of this country at the time availed herself of every means in her power to offer resistance to invasion. Her situation, therefore, was an example of a peculiar kind, and did not apply to the present times. There was an example, also, in the times of James 1st, when the

Marquess of Hamilton was sent to assist Gustavus 2nd. At that time, there was no standing army, but the same principle influenced them which influenced their predecessors in the time of Elizabeth. At a later period there was the expedition of Sir Horace Vere, in the time of Charles 1st. But this country had now a large standing army, and public opinion had very much improved with respect to the principles of making war, which was now regulated by the laws of humanity. It was not agreeable to these principles that, without some motive of a pressing nature, a country should sanction by its authority a mode of warfare which had been shown to be attended with all the evil consequences so ably represented by the right hon. and gallant Member. It appeared, then, that not only had the King's Government gone beyond the principle of giving a military character to the naval operations, not only did they employ all the Marines in addition to the Artillery, sappers, and miners, but the objectionable mode of giving military assistance to the Queen of Spain was at variance with the letter of the treaty under which it was professed to be given. Then naturally a question arose, what great commercial interests of this country were sufficient to justify the departure from the treaty, or to reconcile the nation to the burthens to which we had been put, and to make the very heavy expenses we had to bear satisfactory? He might add, also, assisting to spread demoralization amongst a body of men, the miserable remnant of whom would return to this country in distress and in want. Were we to find compensation for these in the commercial advantages which we might expect to derive from Spain? Two years of war had elapsed, and they had heard nothing of such advantages. They certainly had heard that the Spanish government had relieved our merchants from the payment of the extraordinary contributions. It did credit to his noble Friend (Lord Palmerston), and to his Majesty's Ministers, who had carried this into execution, but this was a very small advantage. What were the principles of commerce as generally received, and which were allowed to regulate commercial negotiations? They were those of mutual advantage. Neither party could profit by exclusive advantages. They knew that such a course of things could not last, and that all commerce must rest on the broad basis of mutual advantage. There was nothing of the kind to be obtained. It was not to be supposed, if Spain was inclined to make a treaty of a more liberal character in our favour, that our ally, France, could be excluded from its operation, or prevented from obtaining similar advantages. It would be necessary that the same advantage should be given to France as was given to this country. Supposing, however, that we did gain superior commercial advantages by entering into this contest, were we to go tonwar with a population who had done us o harm, for the sake of a more advantageous tariff? A treaty of that kind would be sprinkled with blood, and he was sure that the feeling of the House would be unanimous against it. But perhaps we might be told that this course had bound us more closely to the French connexion. He thought that the noble Lord had told the House, that he reckoned upon the zealous co-operation of the French nation. Now, he was sure that no man was more favourable than he was to a connexion with that country. But let us look to the fact. Had that co-operation been rendered, and had our connexion with France become more intimate in consequence of both countries being parties to the Quadruple Treaty? Did we find that we were nearer to the French Court than we were before that treaty was thought of? He found, on the contrary, a passage in the speech of the King of the French to the French Chambers that might lead to a very different interpretation, and though nothing of that kind was suffered to appear in the speech from the throne in this country, the silence observed upon that point was impressive and significant. The noble Lord had no doubt the best intentions, but unfortunately they were always disappointed. But this was not all. There was another object to be attained, relating also to France, but of a different kind to that which would seek the growth of French connexion. Without entertaining the slightest suspicion of the French government, it was natural that our own should look to the nature of the connexion between Spain and her neighbour with an attentive eye. But supposing that we wished France to interfere, and she had refused? He believed the noble Lord, in a speech which he made before Easter, had acknowledged that he had made to the French government a proposition of intervention. He did not know the exact word used. Whether it was translimitation or co-operation he did not exactly remember; but he remembered that the noble Lord stated, that a proposal of this kind had been made to France. What, however, was the result? Instead of the French Government lending its confirmation to our system of policy towards Spain, England was obliged to sustain the mortification of a refusal. Well, but perhaps something had been done towards the pacification of Spain itself. Had that end been advanced? Were we any nearer the attainment of that object than we were two years ago? At the beginning of the war, the Queen of Spain was in the possession of the most ample resources, abundantly supplied with every degree both of moral and material force, and supported by the countenance of her two most important and most powerful neighbours. What had been the result of the contest which she had begun? She was obliged to apply to one of those neighbours for assistance, which assistance, when rendered, still led to no practical result, and we were no nearer to the tranquillization of that country than we were when the civil war commenced. It might be something if it could be shown that any mitigation of the horrors of war had been the consequence of our interference; if it could be proved that the barbarous system of warfare which disgraced the character of that contest, had been in any degree softened by our active interposition as auxiliaries to one of the belligerent parties. But we found that what had been done towards the repression of the system of butchering prisoners in cold blood, was again undone; the convention which Lord Eliot had made, ceased when the Legion landed in Spain, and the arrival of a body of British soldiers was only the signal for the revival of that sanguinary system. Under all these circumstances, then, we must be forced to the conviction, that the policy pursued by his Majesty's Government had been most unwise. Let any man ask himself, whether, even with much larger forces than we had sent to Spain, we had any tolerable chance of success. If, then, it appeared that we were not bound by any engagement to afford military assistance to Spain, even by giving the treaty the fullest latitude of interpretation—if it appeared that we were not bound to carry on a system of transforming naval into military operations—if we found that his Majesty's Government had it in view to run the risk of exposure to disadvantages and injuries for the sake of securing greater prospective benefits—if this were the case, and he found that no such compensation was to be obtained, why were they to be called on to persevere in a system which must lead to injurious consequences, and was totally inefficient for any presumable object? Perhaps they would be told, that although no specific British interests would be advanced by our interference, that the benefit of the world at large required it; that the voice of humanity must be heard, and that therefore we were bound to continue this system, and that the policy of the Government was right in this respect. He did not say, that his Majesty's Government might not have this object in view, but he was quite sure, that his noble Friend had never ventured on a statement of such views. Such views were, however, taken and proclaimed by other parties who professed to be in the interests of the Government; and if these sentiments were rightly attributed to his Majesty's Ministers, he could only wish that these sacrifices were of a nature to do honour to the country, and to hold out to us a better prospect of success. This was not the policy of the Foreign-office, to which his noble friend must look back with satisfaction. Such was not the course pursued by Mr. Canning on the great and trying occasion of intervention in Spain, in 1822. Such was not his policy with respect to the two nations of the Peninsula, when in the one case he abstained from war, and in the other prevailed on the House to send out an army to Portugal. He bore all that it was possible to bear at those times, for the express purpose of avoiding a general war, and he would not avail himself of his right to quarrel with France, in order to proceed to a war of principles, but he did not hesitate to send out an adequate British force when this country was requested to do so under the obligation of our own treaty of alliance with Portugal. The policy of that time was the very reverse of the system pursued by his Majesty's Government. If it was our object, thinking that to do so would be for the interest of the country, to set out on a crusade of this kind, to go establishing constitutions wherever there was an opportunity of planting them, let it be done in an honourable manner, let it be declared to be a principle of his Majesty's Government, and let the House be prevailed upon to furnish the necessary troops and the necessary supplies. He very much doubted, however, that his noble Friend, would find his right hon. Colleague (the Chancellor of the Exchequer) disposed to assist, him in operations of this kind. But if this were the object of his Majesty's Government, let it at least be fairly avowed, and let the House and the country have every knowledge of the extent to which they meant to go, in order that the necessary supplies and forces might be furnished. He must say, however, that till he heard such an avowal from his Majesty's Government, he could not easily believe that such a principle was adopted either by the Government at large or by any individual Member of that Government; and if so; he would say, let us take the more safe and the more honourable, although the more humble, course, of keeping within the letter of the treaty. Let the Marines keep to their ships, and let us at the least abstain from doing that which threw so much discredit on the character of the country. He was fearful that in endeavouring to do justice to this important subject, he had been led into a length beyond his own intentions and the limits of the House's indulgence. He trusted, that as the time was now approaching when the orders in council would expire, and the Foreign Enlistment Act would resume its course, that the order would not be renewed. We could not hope to restore to life the many gallant men who had found their graves in Spain, nor could we obtain justice for those who had been forced to quit the Spanish service in a most miserable plight, but we could at least do justice to others of our countrymen. The Government were perfectly at liberty to act in this manner, inasmuch as General Evans himself contemplated his return on the 10th of June. It could not, therefore, be improper to take advantage of these circumstances, and to give to the country, even at this late hour the benefit of a better because a peaceful course of policy. As his Majesty's Government value their own reputation and character with the country, he implored them to put an end to this miserable inefficient, and pernicious system of operations. Deaf and insensible as his Majesty's Ministers appeared to be on the subject, he trusted that they would still voluntarily retrace their steps. If not, he trusted that the Members of that House, conscious of the duty which they owed to their constituents and to the country, would force them to do that which they ought to do. It was not a question which merely affected one side of the House or the other. It was a question the determination of which involved our national honour. We were bound to do justice to our brave countrymen. He did not call upon the House to pass a censure on his Majesty's Government, but he did call upon the House to compel his Majesty's Government to stop in their pernicious career. For himself he had only to thank hon. Members for the kind attention with which they had listened to him. Whatever might be the fate of the motion, he should retire with the consciousness of having performed his duty, and with an anxious desire that his Majesty's Government would perform theirs.

Lord *Leveson* said, that if the right hon. Gentleman who had just sat down, had considered it necessary to make an apology for addressing the House on this subject, how much more imperative was it on him (Lord Leveson) to do so. The question seemed to him to have been treated more as an instrument of party warfare than as a fair inquiry into what was due by this country to Spain and to the whole of Europe. What was it that the House was really called upon to consider? In issuing the order in council permitting English troops to enter into the service of the Queen, and in employing the royal marines in the same cause, had his Majesty's Ministers confined themselves within the limits prescribed by the Quadruple Treaty, or had they overstepped those limits. If their conduct had been consistent with the conditions of the Quadruple Treaty (and so he believed it to have been), that conduct they were bound to continue. He had himself, in the Chamber of Deputies in Paris, heard the liberal opposition to the government of Louis Philippe declare that the English had acquired the strongest claims to the gratitude of the Spanish nation. If his Majesty's Government, instead of taking the course which they had adopted, had said, "Let the parties in Spain fight it out; we will take no part in their proceedings," they might indeed have satisfied the Tories, but they would have incurred the condemnation of all

Europe. If England and France had not acted as they had done the northern powers would have poured in their supplies to Don Carlos. It was well known that individuals connected with certain Powers in the Holy Alliance had gone to Goritz under the pretence of taking the waters for their health, but in reality to form a military Congress. Their object becoming known, Count Mole succeeded in effecting their instant removal. He begged leave to ask those who appeared to be so anxious about the national honour, whether that honour would not have been stained if we had deserted an ally at the very moment when she most required our aid. He begged leave to ask those who appeared to be so tender of our military reputation, whether that reputation would be maintained by withdrawing from Spain our brave Legion, by withdrawing from Spain our brave marines, whose employment on such a service was amply justified by the example which had been set on that point at Bastia by the marines under Lord Nelson. For his part he could not help thinking that the real objection to the employment of the latter force in Spain was the efficiency of their succour. If the maxim that it was wise in a nation during a time of peace to prepare for a time of war, and if the declaration of Mr. Canning that the next war in Europe would be a war of principles, had any weight, then the course adopted by his Majesty's Government was a wise course; then it was most desirable to prevent the triumph of a prince who was the representative and impersonation of despotic power. The right hon. Gentleman who spoke last had inveighed against the interference of a foreign force in any national quarrel. Did he not remember one memorable precedent of such interference in the history of our own country? Did he not remember that that Monarch whose "glorious memory" was toasted down to the present day had employed foreign troops to co-operate with our ancestors in getting rid of an obnoxious and tyrannical King? He thanked the House for their patience. He hoped it would be shown by the vote of the House that night that the people of England were not indifferent to the issue of the Spanish contest—a contest of absolutism against constitutional government—of fanaticism against religious toleration.

Mr. *Charles Wood,* although at that hour he would not trouble the House at any great length, and although the full defence of the conduct of his Majesty's Government with reference to Spain would naturally fall to his noble Friend near him, and although the noble Lord who had just sat down had made an admirable speech on the subject, yet he found it impossible entirely to abstain from the expression of his opinions. Although he declined following the arguments attacking the Government, he was glad to find that the right hon. Gentleman opposite (Sir S. Canning) had put him in mind that the conduct of the Government towards Spain was the sequel of that pursued with regard to Portugal. It was said, that the present motion was brought forward on account of the injured Basques, but he must say, that it was the sequel of the line of conduct which the hon. Gentlemen opposite had pursued, ever since Earl Grey's Government took the course they did with respect to the Peninsula. It would seem that the hon. Gentlemen opposite were opposed to the cause of constitutional Government, because they supported only the principle of absolute monarchy. It could not be forgotten, that a motion was brought forward in another place to induce Lord Grey to acknowledge Don Miguel, although the Duke of Wellington had subsequently refused to acknowledge him, on the ground that he was a perjured sovereign. The right hon. Gentlemen opposite seemed to be perfectly indifferent with respect to the character of Don Carlos; and it was clear, indeed, that the object of the motion before the House was to aid Don Carlos. The former attacks on foreign enlistment had been that night repeated, and the most extraordinary doctrines had been held on the subject. It had been maintained, that the entrance of the subjects of this kingdom into the service of other powers, was calculated to lower the character of the country, and that since the times of Queen Elizabeth, no such practice had been exhibited. He was surprised that the right hon. Gentlemen had showed themselves so forgetful, he would not say ignorant, as not to know that both officers and men had frequently obtained leave of the Sovereign of this country to enter into the service of foreign powers. He would not trouble the House with many quotations from it, but he held in his hand a list of officers without number, from the period of the Revolution to that of the general war in Europe, who had, with leave of the Sovereign, entered into the service of foreign powers. There was the case of Lord Keith, an English rear-admiral, who had permission given him to go into the Russian service, at the head of which he continued for many years. Sir Sidney Smith entered the Swedish service, and fought against Russia. Up to the year 1819, it was a common practice for the subjects of this country to enter into foreign service. The Foreign Enlistment Act was passed, not with a view to its being a permanent Act, but for temporary purposes, as applied to the case of particular states, and that was the distinct, avowed object of those who passed that measure; so much so, that when a noble Earl, in another place, protested against the Bill, on the ground that it might be made a general measure, the then Lord Chancellor said, it was a mistake to suppose it was an Act of general application. The Foreign Enlistment Act was passed at the instance of Spain, to prevent the supply of men and arms being sent to the South American colonies. But, however cautious the right hon. Gentleman might have been, however careful he might have been, the object of the motion was clear. His noble Friend distinctly disclaimed the support of Don Carlos, but there were those who had not hesitated to avow themselves Carlists; and the hon. Member for Dover called Don Carlos Charles the Fifth. Nay, further, a noble English Lord, who was not certainly a peer of the realm, had not hesitated to appear in person against the troops of this country, to take part against the troops of her Majesty the Queen of Spain, for the purpose of retaking a battery, the fire of which had been directed against British soldiers. The right hon. Gentleman's oration within those walls was consistent with the conduct of the noble Lord in Spain, and with the opinions of that Government to which the right hon. Gentleman belonged, with regard to Portugal. But he rose less for the purpose of going into the general question, than of answering that part of the right hon. Gentleman's speech, which related to the employment of Marines on shore, a subject which was more immediately connected with that department to which he was attached. He could not but be surprised to hear the right hon. Gentleman say, that he thought they ought to give to the treaty the most limited construction which it would bear. It was a new doctrine to be held in that House, that to sacred obligations entered into between friendly parties, only a limited meaning should be affixed by one of the contracting parties. The right hon. Baronet, the Member for Tamworth, stated on a former occasion, that that treaty should receive the most favourable and extensive construction for the Queen of Spain, and therefore, without saying one word to defend that treaty, he felt himself bound to carry its obligations generally into effect. As to the manner in which the Marines had been employed, the right hon. Gentleman stated, that the Marine force being employed was a surprise and a cheat upon the House. No one would suppose that such instances had ever occurred before; and moreover, the right hon. and gallant Officer stated that, in his opinion, nothing less was intended than the blockade of the coast of Spain. He would put this matter to the test of fact and experience. Had naval co-operation never been rendered by the naval force of this country?—had a naval force never co-operated with the land forces of this country? Looking to what had passed in former years, he contended that the principle of naval co-operation was fully and fairly borne out and justified in this case, even if they put the limited construction on the word "co-operation," which had been suggested. He was very unwilling to trespass at any length on the patience of the House, but he held in his hand a few cases which he would take the liberty of stating; and even if he trespassed longer than he wished, it was for this reason, that he was desirous of proving that the cases he quoted were not those of single or isolated examples—not cases occurring only now and then, but they happened every year of the war in every part of the globe. Perhaps, however, before he did this he might be permitted to say a few words with reference to the battle of Hernani. The right hon. Gentleman had of course selected this as the strongest case, according to his view of the question. But the right hon. Gentleman stated, that Captain Bassett, in pursuance of orders received from General Evans, moved some guns to a certain position. The right hon. Gentleman stated, that this was done in obedience to the orders of General Evans. He would not say that this might not, strictly speaking, be the case; but he would say, that in no accounts which had reached the Government had such circumstances been admitted. It was his firm conviction that neither upon this nor any other occasion had there been any order transmitted or given to a single officer, or to any of the men of the British force. Such was his conviction, which was derived from the reports of our own officers employed in that service. He derived his information from the reports of an officer on the coast, and an officer on General Evans's staff, who expressed their belief to the same effect, that though undoubtedly troops were removed by order of our own officers, it was done at the request only of General Evans. Why, hon. Gentlemen seemed to think that the admission of what he had stated, that no order had in any case been given by General Evans, or any officer in the service of the Queen of Spain, to any of the British co-operative body, militated against his argument. But, on the other hand, did hon. Members suppose that when two bodies of men were co-operating together the one was not to act at the request of the other? That was to say, that between two persons acting for one common purpose there was to be no arrangement. It might be the opinion of hon. Gentlemen opposite that two persons to obtain a common object should go different ways to work. But so far as he understood the meaning of the word "co-operation," it consisted in two parties being in formal communication, and acting with and in concert with each other. How then had been the mode of operations carried on on the north coast of Spain? He had distinctly stated, that the royal Marines, and he believed the Artillery, engaged were not under the orders of General Evans in any degree whatever. He stated this distinctly, and his account of the operations had been transmitted by Lord Hay, not yet printed. Though laid on the table, and he was perfectly convinced that when those documents were read, the House would be convinced of the correctness of his statement. There was one other fact with regard to this action, as stated by the right hon. Gentleman, upon which it was necessary the House should be set right. The right hon. Gentleman had said that the marines advanced seven miles into the interior of the country, whereas the very utmost distance they could have gone did not exceed three miles from the sea. It might, perhaps, be said that they were marched fifty miles, because they were fifty miles from Santander. But the point where the troops which were landed at St. Sebastian stopped and where the steamers where lying for them, was not further from the ships than three miles. But, as he had before said, whether it was a distance of three miles, or four, or of seven, it seemed to him not to be a matter of importance, and when he came to read the documents which he held in his hand, he thought the House would be of opinion that under no circumstances had this case of co-operation exceeded that which had been resorted to on former occasions in respect to naval co-operation. The first instance was that in which the Turkish army co-operated with the British troops under the command of Sir Sidney Smith, who did not confine himself to the mere defence of Acre, but having advanced with a body of seamen and marines, combined with a number of the advanced guard of the Vizier, was occupied for not less than three or four days marching across the desert; and to prove that these seamen and marines were engaged in military operations, the House would allow him to read the concluding paragraph in the dispatch.

> "A detachment of marines under Col. Douglas, Lieut-Col. Bromley, Captains Winter and Trotte, and Mr. Thomas Smith, midshipman of the Tigre, accompanied an advanced body of the army of the Grand Vizier from Gaza to El Arish. The cheerful manner in which the detachment from the British squadron performed their duty, exposed as they were on the desert without tents, very ill fed, and with only brackish water to drink, gained them the admiration of the whole Ottoman army."

He would now take the liberty of quoting another case which must be familiar to them. The case he alluded to was that of the co-operation of the squadron under Admiral Lord Nelson, with the Italian force for the relief of Naples, where an honourable and gallant friend of his won his proud honours. This was the dispatch to which he referred to the House.

> "Foudroyant, Naples Bay, July 13, 1779.
> "My Lord — Captains Troubridge and Hallowell, with 1,000 of the best men landed from the squadron, united with 4,000 other troops of various denominations, march against Capua to-morrow morning. "I have, &c.,
> (Signed) "NELSON.
> Right hon. Lord Keith, K. B."

Now there were hon. Gentlemen present

who, from their local knowledge, must know, that the march from Naples Bay to Capua could not be less than eighteen or twenty miles. If operations of naval force were to be restricted to the shores of the sea, how would these transactions occur in which so many officers had earned such well-merited honours? The question of the right hon. Gentleman was this—not whether we were at war or peace, but whether the seamen and marines were employed at an undue distance from the sea. The real question, however, at issue was, whether, under the articles contained in the Quadripartite Treaty we were bound to employ a naval force, and whether the country had in any degree exceeded the proper limits. But the experience of former times showed that this country had only done that which she had always been in the habit of performing. He would mention one more case in illustration of his argument, a case in which we had cooperated with the Spanish on the very coast of Spain in which a part of our force was now employed. The following was the document which bore on this case:—

> "Captain West sallied from the citadel of Rosas at the head of 250 seamen and marines of the Excellent, but were obliged, after succeeding in their object of rescuing the Mequelits, by the superior force of the French especially in cavalry, to retire. Capt. West had a horse shot under him."

But the co-operation of land and naval forces had all along been the practice of the service; and he particularly requested the attention of the House to an application of Lord Hood for a portion of land forces to co-operate with him on board the fleet in the attack on Toulon. The application was acceded to; a portion of the land forces were sent on board, and co-operated with the naval force in the capture of the town. The following extract described the event to which he referred:—

> "The Major-general still declining to act, until the arrival of an expectad reinforcement of 2,000 men from Gibraltar, Lord Hood took on board that proportion of land forces which had originally been ordered to serve on board the fleet as marines; and obtaining also two officers and twenty privates of artillery, with some ordnance stores and intrenching tools, under command of Captain Wilson, who had acquired from the army the title of brigadier, took the town after a long siege."

If that was the case in former times, he did not see what blame could be attached to Lord J. Hay or the Government for adopting similar practices with regard to Spain. He did not, however, wish to trouble the House with more instances, because he believed he had said enough to prove, that at different periods the practice had been carried to much greater lengths than on the late occasion. Supposing even that Lord John Hay had not received particular instructions to assist with the naval force under his command, he would have been bound, according to the practice, to render assistance. If the hon. Member opposite was old enough to remember the pratice, he would at once admit, that Lord John Hay was bound to do as other Officers had done before him; and that if he had not done so, he could not have expected to receive the thanks of the country. There was one point, however, which he wished to urge as a test of the question, and that involved the good faith of the House. He wished to know—looking at the instances of co-operation which had been adduced—what was the amount of co-operation the Spaniards had a right to expect according to the terms of the treaty. All the Spanish officers—most of the Spanish statesmen—nay, many of the soldiers, knew that they had a right to expect assistance, because they had been witnesses of what had taken place, and had fought side by side with seamen when they were acting, as now, against the common enemy. Having received assistance before, they conceived that they had a right to receive it again; and what would have been the feelings of British officers, if it had been imposed on them as a duty to refuse aid when the Spaniards demanded it, and had a right to expect it? After the examples which he had quoted, he trusted the House would be ready and willing to believe, that it had been the practice of the service. The right hon. and gallant Officer had stated, that the circumstance to which he had alluded was the first instance in which naval forces had been so employed on land. Now he would venture to say, that no officer of the navy would for one moment concur in the statement. If any one officer, however, would support the doctrine that the naval and marine forces were to be employed only on board ship in usual cases, still he should say, looking at the stipulations of the treaty, that he should have been sorry to see such a deep stain on the honour of the country as a refusal to render assistance agreeably to the terms of the Quadruple Treaty. If hon. Gentlemen attended to the fact, they could not fail to come to the conclusion that naval co-operation was contemplated by the treaty, and that the Spaniards had a right to claim it from us. He confessed he did not see how the House could come to any other conclusion, and how they could for a moment entertain the idea of supporting a motion which was meant as a censure on the services rendered to Spain. He should therefore vote against the motion.

Lord *Francis Egerton* expressed his satisfaction at the compliments paid to his noble Friend (Lord Leveson), on making his first speech in Parliament, though he could not concur with him in thinking that he had made out a case respecting the success of the operations sanctioned by the noble Lord opposite, or the soundness of the policy by which they were directed. He would ask that noble Lord whether the policy on which he acted was similar to that of the noble Earl (Earl Grey) under whom he came into office? He would leave it to hon. Gentlemen opposite to say, whether the course which the noble Lord opposite had pursued with regard to Spain, was either sanctioned by Lord Grey or was consistent with his policy. He would contend that a contrary system was the policy, not only of Lord Grey, but, at a former time, of hon. Members who were now in power. When the Foreign Enlistment Bill came under discussion in 1819, he knew it was only a temporary measure, as an hon. Member suggested; but if it was only temporary, then that was an argument for the repeal of it. He would, however, to show what was the opinion of a noble Lord high in power, now read an extract from a speech made on the Foreign Enlistment Bill in 1823. The noble Lord to whom he alluded was then a Member of that House, and he expressed himself to the following effect:—"With respect to the proposition before the House, however, he begged to say, that neither upon any general or particular ground was he prepared to vote for the Repeal of the Foreign Enlistment Bill. He was aware that, in former times, it had been the fashion for Gentlemen of chivalrous character to make campaigns in the service of foreign princes, and that bodies of men had been raised in this country to assist the Palatine, or the Protestants of France and Holland; but the state of European politics was now changed." These were the words of a Member of the other House, who now sends men to Spain to get ribbons for services performed under the measure he then condemned; these were the words of the hon. William Lamb in 1823. And he was at a loss to know what subsequent change had taken place which could justify the noble Viscount in departing from the principles which he advocated in 1823. He might address also to Gentlemen opposite the words of one to whom they were accustomed to listen—a man from whose principles he did not believe the noble Lord would avow his departure—he alluded to Mr. Canning. Mr. Canning, on that occasion, expressed his opinion as to active interference in Spain in the following words:—"So that here at least no very strong temptation is held out to induce the co-operation of the military spirit, skill, and enterprise of this country in support of the Spanish cause. I have also reason to form this opinion from a recollection of what took place on former and no very distant occasions. When the army of England last fought in Spain, they fought in favour of a united people against a foreign and a common foe. How altered is the case at present! Who is there who could wish to see Englishmen, on entering the Spanish territory, opposed, not to the foes of Spain, but directing their bayonets against Spanish bosoms? This I confess is a sight which I would rather not witness." Now, were our marines directed against a common and a foreign foe now? How different was the case now from that to which Mr. Canning alluded? No hon. Gentlemen, whatever view they might take of the contest, could say that the men against whose bosoms the bayonets of British marines were directed were the foes of Spain. But it was contended that, even independent of instructions, it was the duty of the marines to render assistance, and that too in a dubious contest, when no one could find out from the noble Lord whether we were at war or not. He thought such a line of policy was a cheat on the country, and that naval co-operation had been sanctioned on a forced construction of one of the articles of the treaty. Some case might have been made out, if only the usual complement of marines had been on board—the usual complement he believed for each frigate was from thirty to forty each, but in these cases the usual complement was augmented to 400 marines. If that was sanctioned by the articles of the treaty, might not, on the same grounds, a batallion of the foot guards have been sent out. And as to the authority under which they acted, he did not believe they acted under any authority at all. He did not believe the commanding officer acted under the authority of General Evans. But that only showed the danger of such transactions; and as to the artillery, who ever heard of a corps of artillery acting independently? As a civilian he could not take upon himself to criticise the military conduct of General Evans. He believed he was as brave an officer as ever existed, and as to his skill, it was not for him to detract from it in a case of misfortune to which any one was liable. But general Evans, it was natural to suppose, must be suffering under the late unexpected and painful discomfiture, and probably might attempt some desperate blow to retrieve the character of his men. And were the British marines to run their heads against every danger to accomplish an object for which general Evans might be disposed to risk his life? If general Evans, for instance, were to undertake the desperate and bloody enterprise of re-taking the Venta of Oriamundi, or Hernani, were the British marines to be employed in assisting him? These attacks might retrieve what the Legion had lost; but would such a step, when the period of service was nearly expired, contribute much to the great object which the noble Lord had in view? There could be no doubt that both General Evans and the noble Lord had been utterly deluded as to the prospects of the enterprise; they thought it was an enterprise easy and rapid, and that the general and his men were speedily to return to this country crowned with victory. Then it might become a question of some importance what was to become of that army, disciplined in a hurry, fed by a Spanish commissariat, and paid by a Spanish treasury. The noble Lord was bound to consider what was the present situation of that force, and what was likely to be its condition on returning to this country. But for the loss of 700 men at Vittoria, and the further losses which had since diminished their numbers greatly, he was at a loss to know what would have become of them. From what he knew of the condition of those individuals, he felt some doubt and difficulty as to what might be their condition on their return to this country. He thought that a consideration not to be omitted in the discussion of this question. The hon. Gentlemen who spoke on the opposite side of the House had accused the supporters of the motion brought forward by the gallant Officer of being the friends of Don Carlos. He (Lord F. Egerton) did not rank himself amongst the friends of that individual. But when he found this country aiding in a desperate contest carried on against the pretensions of Don Carlos, he thought he had a right to inquire into the justice of the cause we were supporting. He and his friends certainly were anxious to have tranquillity restored to Spain in place of the present state of confusion, and desired to have a strong and stable government established there. But he did not think that the best mode of achieving that object would be to place the care of the constitution of Spain in the hands of Mendizabal, as he at present directed it. The noble Lord could not deny that the present constitution of Spain was precisely the same as that invaded and broken down by the French in 1823. Then the noble Lord was anxious to shut his eyes to those merits which he now seemed anxious to support, and was accustomed to declare that he should be sorry to live under such a government. Yet this government the noble Lord was now most anxious to establish. He formerly denounced it as "holding out no grounds of security, but containing within itself the elements of eternal discord." The description had become prophetic, for what but discord had existed since the death of the unfortunate Ferdinand the Seventh? The noble Lord had anticipated an easy and speedy issue of the contest, in aid of which he had deemed it proper to despatch assistance. But what had been the result? The troops which were sent out had been baffled up to the present time. A despatch of General Evans, of the 12th January, 1836, had expressly admitted that such was the case. And the noble Lord had, without doubt, confidently believed the anticipations there held out. That despatch stated, that "it was nearly up with Don Carlos—that all the places from Pamplona to Vittoria were in the possession of the Queen's troops—that the troops were moving on slowly but certainly—and that, after a few other places should fall into their hands, the contest must come to an end, for there would not be a roof to shelter the troops of Don Carlos, nor a dépôt left from which they might draw supplies." But slow and certain as was said to be the progress of the Queen's forces through the mountains from which Don Carlos drew his supplies, he (Lord F. Egerton) had yet to learn that those supplies were exhausted, or that the Queen's troops had made the expected advances. On the 19th of January, another despatch, dated from Vittoria, as head-quarters, declared "that the Queen's party was rapidly gaining ground." It was on the strength of these documents that the noble Lord had continued to entertain his opinion as to the speedy termination of the contest; and the House would judge with what good reasons. He confessed that he entertained a strong feeling on the subject now under consideration. He would not believe that he ought to despair as to the issue of the contest in Spain, when he considered the peculiar character of the people of the Basque provinces. He could not believe that the descriptions of that people, whether given in print, or by hon. Members in that House, were mere romantic statements, and that the character and strong national feeling attributed to them were without foundation. They were certainly a most singular nation, nor, in his opinion, could an example of similar peculiarities of existence be found elsewhere. First of all, they were attached to the institutions of their own district to an almost incredible extent; they felt the utmost pride in everything appertaining to their own mode of living; and they conceived themselves to be more happily situated than any other people on the face of the earth. Their own country they deemed superior to all others, and imagined that they ought to be objects of envy to other nations. These were certainly delusions, but they contributed to throw a deep and romantic interest over the fortunes and welfare of these people, the more so as they were now armed in defence of their peculiar notions, and were engaged in repelling that force which had been sent amongst them for objects not in their opinion strictly national. He certainly hoped that this country and the House would do something to secure to this interesting people their privileges and the exercise of their peculiar customs. He felt a lively interest in their welfare, and he did hope that the present attempt to deprive them of what they held so dear, would not be attended with ultimate success. The tide of war might roll with violence and tumult over their peaceable valleys, and might, in its wild and unsparing course, overwhelm the inhabitants for a time. But when the turmoil had passed by, and quietness was restored, he believed that this inoffensive and interesting people would again return to the customs of their forefathers, which they so fondly cherished. The effects of war and conquest might, for a time, interrupt them in their usual mode of life, and cut down their habits and peculiar customs; but he firmly believed that, from the root which should be left behind, they would again spring vigorously up, and that the inhabitants would again proceed in their former mode of life, loading those who had broken in upon their quiet with everlasting ill-will.

Mr. *O'Connell* thought, that the noble Lord stood in a position that might well be envied. He was not the friend of Don Carlos—oh, no; nor was he the enemy of Don Carlos—he was only the enemy of the enemies of Don Carlos. That was the position that the noble Lord took in assailing the British Legion. In the same way, the noble Lord was not friendly to the Orange faction in Ireland, but only the enemy of the enemies of that faction. The noble Lord was perfectly consistent: he refused to ameliorate the institutions of Ireland, and he protested against the amelioration of the institutions of Spain. The noble Lord's information was every way worthy of his consistency. He gave the House a long account of his conversations in France with the wandering deserters whom he found there from Spain, and he told the House what severe censures those high authorities had passed upon the conduct of the noble Lord, the Secretary for Foreign Affairs. He (Mr. O'Connell) thought that the noble Lord, the Secretary for Foreign Affairs, could really very well afford to put up with the censures of the men who had deserted from the Legion at St. Sebastian. The noble Lord's next observation was upon the Foreign Enlistment Act. One would think, that in discussing that Act, the right place to look for the principle of it would be in the debates of 1819, when the Act was passed. But the noble Lord came to the year 1823 to ascertain the reason why the Act was passed in 1819. Now, every body knew that the cause for the passing of that Act was nothing more nor less than this: we were, at that time, at peace with Ferdinand of Spain, whose colonies had revolted, and the Foreign Enlistment Act was passed to prevent British troops from aiding the cause of those who were at war with a power with which England was at peace. The British Legion, now in Spain, had had the misfortune to sustain a defeat. The hon. Gentlemen opposite took every advantage of the mischance. The valour that the Legion had displayed on many previous occasions was totally forgotten, as well by the gallant Officer who brought the subject forward, as by all who had followed him on the same side. The many fights in which they had done honour to the British and Irish names were totally forgotten. After two or three days of hard and gallant fighting, they were at last defeated; and not a moment was lost by the hon. Gentlemen opposite in taking advantage of it. The noble Lord (Lord F. Egerton) told them, that he believed General Evans, to whose courage he had paid a great tribute, meditated some great blow to retrieve the honour of the British. Oh, if the House interfered to prevent the blow, let it not be upon the ground put forward by the noble Lord, that it would expose the corps of British marines to too much danger. Let it not be upon such a ground as that. It had been said, that there had been a cheat practised in the assistance furnished to the liberal cause in Spain. There were political cheats of another kind. It recurred to him, that there was a political cheat in the conduct of the hon. Gentlemen opposite. They came forward under the pretence of neutrality, really, and in truth to sustain the cause of a man whose character was of that kind, that few would acknowledge themselves his direct supporters. Yes, he threw that upon the hon. Gentlemen opposite. He wished that the gallant Officer, by whom the subject was introduced to the House, had left it to other persons to assail the troops who had acted under General Evans. It would have been well, he thought, if the gallant Officer had reserved his observations upon that point until General Evans was present, to answer for himself and his troops. No man knew better than his gallant Friend how to defend himself. Fearless as the gallant Officer opposite was, he (Mr. O'Connell) could not help remembering that, in a former contest in that House with General Evans, the gallant Officer had not the best of the argument. Therefore, to attack that gallant Friend of his (Mr. O'Connell) in his absence was not fair. Oh, to be sure, the gallant Officer did not attack General Evans—he only showed that he had brought his troops into danger, and that he had allowed their pay to be refused them. If he had been commanding them, he said, he would have them away at once, and would never have suffered them to be treated as they had been by the Spanish government. The gallant Officer did, indeed, on one point, do justice to Don Carlos. He talked of the assassinating decree of Durango. Every body, he believed, called that an assassinating decree. Did it not follow, that the man who issued an assassinating decree was an assassin? He thought that the language used by the hon. Gentleman opposite upon that point was intended to be useful to Don Carlos. He looked upon it merely as a manœuvre to benefit the Pretender. Then it was said, out-popped the Eliot decree, and the cruelties began again. Did they commence with the British? No; they began with the friends of Don Carlos, following up the example of their leader. The gallant Officer (Sir H. Hardinge) had told the House that he would not serve under any man who, on going out to the field of battle, told his soldiers not to spare an enemy. The order to which the gallant Officer alluded amounted to this: that no quarters should be given. Had that never been done in the British service? Did the gallant Officer never hear of the order at Buenos Ayres? [Sir *H. Hardinge*: No.] Did the gallant Officer never hear that the orders there were to spare the old men, and the women, and children, but to put to death every man capable of bearing arms? [Sir *H. Hardinge*: Never.] He had witness to the fact in the House. [*Interruption.*] He could not proceed amidst so many disorderly interruptions. He stated, that he had been informed of the fact by an hon. Gentleman, a Member of that House. He would give his authority; of course, he could not know the fact from his own knowledge. His authority was Colonel Thompson, the Member for Hull. That was his authority. But he wanted to know, whether no cruelties had been practised during the war in the Peninsula? [Sir *H. Hardinge*: There were certainly no such orders as those referred to.] Had the gallant Officer never heard of the orders at St. Sebastian? Had the gallant Officer never read of the cruelties practised by the Spaniards when that town was taken? Had he never heard of the cruelties at Ciudad Roderigo, and at Badajos? Were these things doubtful? But the gallant Officer would not have British valour contaminated by an association with such cruelties as had taken place in the late hostilities in Spain. Did the gallant Officer himself never associate with Spaniards during the Peninsular war, where cruelties upon a much larger scale were carried on by them? He (Mr. O'Connell) would refer for a moment to a summary of the cruelties practised in the Peninsula, as contained in a pamphlet he held in his hand. He referred to this with the greatest confidence, because the pamphlet had been published for more than three years, and as yet no answer had appeared to it. He had no doubt, therefore, as to the accuracy of what he read. Here the hon. and learned Gentleman read a passage from the work; it was to this effect—

> "During the Peninsular war, what was the universal system of the allies, but one of unmitigated cruelty? Was not every straggling Frenchman assassinated? Were not the prisoners of war often, after capitulation, murdered in cold blood by the Guerillas? Were not carriages of the wounded, and of women and children, waylaid and massacred? Were not French soldiers roasted alive by the Spaniards?"

Yet they were now told by a gallant Officer who distinguished himself — no man more so—in the Peninsular campaign, that he would not allow British soldiers to be contaminated by an association with men who could be guilty of such atrocities. These cruelties were one of the wretched consequences of war; but they ought not to be employed as a taunt against General Evans and the Legion. But then General Evans was described as an adventurer, attacking a people with whom his nation was not at war, upon that point, the example of the Black Prince had been quoted. But, was England at war with Spain, when the Black Prince adopted the quarrel of Peter the Cruel? The hon. Gentlemen opposite were on the side of despotism—on the side of him who, in the midst of this struggle for a kingdom, has never deigned to hold out one word of hope for liberty in free institutions; from whose lips the word of pardon never fell; whose pen never put it upon paper; who has never said one word of liberty or of constitutional privilege; but who insists on an absolute throne—on becoming an absolute monarch of a country once great—now plunged into misery, but which, he hoped in spite of them and of Don Carlos, would get through the struggle, and prevent the liberties of her people from being crushed under the accumulated misfortune of a bold pretender to her throne backed by the whole interest and assistance of the Holy Alliance. But amidst all the taunts which the Opposition cast at his Majesty's Ministers, did they say one word of the treachery of Louis Philippe towards this country? No; on the contrary, they enjoyed the treachery of that mistaken and tyrannical man—they rejoiced at the consequences of his neglect of the treaties in which he had taken part. Through the faithless conduct of France, the Carlists obtained supplies, so that if any deficiency of means for the desired objects in Spain appeared to exist, it was simply because other countries had not kept the faith of treaties, and had not acted up to their promises as England had. It was through this defection, this faithless conduct on the part of our supposed coadjutors, that the Carlists had been enabled to carry on till now a contest, which, but for such favouring circumstances, had long since been terminated. He was not there to defend the conduct of the Christino party, he had long condemned their cruelties, and ever should continue to do so. But he would ask this question, whether, if Don Carlos were to succeed, despotism would not be established, and the connexion between Church and State perpetuated for ever, with all its horrible consequences, the hateful Inquisition amongst the number? Dare hon. Gentlemen opposite avow that they were for the establishment of the Inquisition and the domination of the church in Spain? No; in the face of this nation they dare not avow such an intention, yet such was their intention. Why, they were told that

France was without a government, awaiting the issue of this question, and why? France was waiting to see the line of policy which the British Parliament would sanction in regard to Spain, whether despotism was to be allowed to have its sway, or free institutions be vindicated and defended. And it was, at such a juncture —at the very moment that General Evans was meditating another blow in the cause which he had so gallantly taken up—that the opponents of freedom came down to interrupt the Ministry of this country with an attack of this sort. He had but one word more to say. The gallant Officer opposite, in the course of his speech, had talked disparagingly of the 10th regiment, upon the authority of one Richardson, whose book was really two books; the one written when he was in favour with General Evans, and therefore all in his praise; the other written after he had been dismissed the service, and, of course, all against him. As for the 10th regiment, he would just mention this fact, that this regiment only lost five men at Vittoria; and for the gallant officer who commanded that regiment, he thought he might state it fearlessly, as the highest trait that could be adduced in his favour, that although his regiment was located in the quarters fullest of disease, his loss of men was the least of any. He knew that in what the hon. and gallant Officer opposite had said on this subject, he did not state anything personally of the gallant officer who commanded this regiment; but, at the same time, the hon. and gallant Officer had reported a story propounded by Richardson, that the 10th regiment was ready, at one time, to go over to the Carlists. Now, he would tell the hon. and gallant Officer, that he had been misled by his authority, and that it was impossible to give, in any language of courtesy, a more complete denial to any statement, than to that made by Richardson on this subject. Knowing the young officer of this regiment as he did—knowing how little deserving of it he was, he must say, that such an individual ought not to be suffered to be made the victim of calumnies such as he had exposed. He would not pursue this subject further. He would again repeat, that the contest now going on in Spain was one between freedom and unmixed tyranny; it was the same contest as was at this moment going on upon this very floor. Here, it was true, the courtesies of civilized life and gentlemanly breeding mitigated the asperity of the encounter, but the battle was the same, the object held in view by the contending parties the same, in Spain as in England. The question was, whether the power of one or of the many should prevail—whether despotism or free institutions should exist; this, and this only, was the question in contention between the Carlists and the Christinos of Spain.

Sir *H. Hardinge* explained, that so far from his having made or intended any attack upon Colonel O'Connell, or the 10th regiment, he had simply repeated a statement verbatim, for which he had given his authority. Neither did Mr. Richardson himself make any attack on Colonel O'Connell: on the contrary, he gave him great credit for his conduct, and stated, that the insubordination in his regiment arose from the absence of their colonel.

Mr. *O'Connell* said, he should be sorry to receive praise from such a quarter as Mr. Richardson's. If he was not mistaken, all the officers of his regiment refused to mess with him.

Colonel *Thompson* rose to say a few words in explanation, having been personally referred to in the course of the speech of the hon. and learned Member for Kilkenny. There was certainly no mistake in the statement made by the hon. and learned Member, in reference to the order given at Buenos Ayres. He himself heard the order given, which was mentioned by the hon. and learned Member, and he would repeat it to the House, lest there should be any inaccuracy in the manner it had been understood. The order came down the column from the mouth of a field officer, who rode down the ranks on a good Sunday morning, and who exclaimed, " Spare old men, women, and children; but every man who is able to bear arms, put him to the bayonet." These were the words in which the field-officer delivered the order, which he coupled with an addition, by way of a joke of his own, " Give them only three inches of it; it will be the more easily pulled out again." He could name the officer if he was asked; he was an officer of bright repute, who fell two hours after giving this order.

Sir *Charles Vere* said, that he must confess that he had stated rather abruptly, in the course of the hon. and learned Member for Kilkenny's speech, that that which he mentioned was not the fact. He was at Buenos Ayres on the occasion referred to, on the staff, and he could state, therefore, that any such order as that referred to by the hon. and learned Member for Kilkenny, and by the hon. and gallant Member for Hull, was not an order from head-quarters. And he really could not have imagined that any Gentleman would rise in that House and speak to such an order as the one in question, and that he should not have taken the opportunity of stating it at the time when the subject of the assault on Buenos Ayres was before the country, and a court-martial sitting on the officer who commanded at it. He begged to observe, also, that during that court-martial, everything that had occurred in the proceeding against Buenos Ayres, was inquired into. The proceedings at that court-martial might be obtained by any one who chose to refer to them; and upon so doing, it would be found that no such monstrous order as that mentioned to-night had been given by the officer in charge of the troops on that occasion. Of course it rested with the House to give what credit it might think proper to a statement made by an hon. Member. He did not mean to say, that the hon. and gallant Member for Hull did not believe, at the time he made that statement, that such an order as he mentioned had been given at that time; but he should have been careful, before he stated that a particular order had been given, not to state as an order that, which on reflection, he might find not to have been an order. The hon. and gallant Member stated, that the officer in question rode down the line, and repeated the words he had mentioned, and that a short time afterwards that officer fell. Now, there might have been some indiscreet expression used by the officer on that occasion, which gave rise to the observation of the hon. and gallant Member; but that any such order had been given from head-quarters, he could positively contradict.

Colonel *Thompson* had spoken merely to facts within his own knowledge; and, God forbid, that he should speak to any other. He certainly did hear the order he had mentioned, given; and he believed at the time, and now believed that the order had been sent in an official manner, down the column. Whether the order was, in reality, an official order or not, he could not tell.

Sir *Henry Hardinge* inquired, whether there was any other officer living who heard the order given, the officer who gave it being dead?

Colonel *Thompson* said, that he was very willing to answer any questions of the hon. and gallant Officer, or of any other military man, which could throw a light on this subject. He had no wish to conceal anything, if the hon. and gallant Officer would address himself to him on the subject. After they got outside of the House, he would give him all the information in his power.

Debate adjourned.

HOUSE OF LORDS,

Tuesday, April 18, 1837.

Minutes.] Bills. Read a third time:—Marine Mutiny; Mutiny; Leicester Small Debts.—Read a second time;—Penitentiary (Millbank).

Petitions presented. By the Duke of Wellington, and other Noble Lords, from various places, against; and by Lords Holland, Brougham, and other Noble Lords, from Halifax and other places, for the Abolition of Church-rates.—By the Earl of Roden, from St. Mary, St. Peter's, St. Thomas, Dublin, against Municipal Corporations (Ireland) Bill.

Conspiracy in Ireland.] The Earl of *Roden* had a petition to present to their Lordships. It came from an individual who had petitioned their Lordships on several former occasions. Those petitions had been turned into great ridicule by some of their Lordships, who expressed their belief, that any person who used such expressions as those adopted by the petitioner, could not be in his right mind—that he must labour under a perversion of intellect. Now, he would say for himself, that although he did not agreee in everything stated by the rev. person whose petition he was about to present, yet if he laboured under a perversion of mind, there was certainly a great deal of method in his madness. He was of opinion with the petitioner, that many of the unfortunate circumstances which now afflicted Ireland, had occurred in consequence of those laws which the Legislature had thought it fit to pass. The petition came from the rev. Sir Harcourt Lees; and the petitioner expressed his conviction that a joint Radical and Romish conspiracy was going on silently in Great Britain and Ireland, connected also with foreign conspirators, to overturn the Established Church, to undermine the Monarchy of these realms, and to separate England and Ireland. The petitioner declared, that he had in his possession the names of the chief directors of those secret societies, who had been actively employed since the passing of the Roman Catholic Bill in 1829, in instigating the deluded peasantry of Ireland to murder the Protestant clergy. He could produce the names of those perfidious hypocrites and conspirators against the State, whose machinations must lead to rebellion and massacre. The petitioner, therefore, implored their Lordships to allow him to make his statement before their Lordships at the bar of the House, or to appoint a Select Committee to inquire into this deeply-organised plot for the subversion of the empire. He conceived that their Lordships were loudly called on to give to the petitioner the opportunity which he demanded for explanation.

Petition laid on the table.

THE NEW HOUSES OF PARLIAMENT.] Viscount *Duncannon* thought it necessary, in laying on the table a report on the subject of rebuilding the two Houses of Parliament, to call their Lordships' attention to the last report which had been made, after the plan of Mr. Barry had been examined. The Committee then reported that they felt themselves justified in recommending to the House the adoption of the plan No. 64—that of Mr. Barry, which they considered to be the best; the expense of the building not to exceed 724,984*l*., including fourteen per cent. to cover contingent charges, to which would be to be added about 60,000*l*. for the purchase of ground in Abingdon Street, and 30,000*l*. for fittings and fixtures, an estimate to be made in the then ensuing Session of Parliament. He had now to state to their Lordships, that Mr. Barry had notified to him that he had made the required estimates, and he was prepared to say, that they came within the sum named in the report and resolution of the Committee. That estimate, with all the drawings and documents which Mr. Barry had prepared, was submitted to such persons as were competent to give an opinion on the subject. Those estimates and plans had been carefully examined by persons employed for the purpose—every branch of the subject had been considered by them—every part of the work had been submitted to their consideration—and those parties were now ready to undertake the building on the estimates formed by Mr. Barry. He should now move that this report be laid on the table, and that it be printed.

Lord *Brougham* inquired whether it was now too late for their Lordships to retrace their steps with respect to this particular plan, as a very considerable change had been effected in public opinion since they originally resolved to adopt it. He believed that the public mind was much altered with respect to the propriety of confining the styles for the plans to those of the Gothic and Elizabethan character; and, strictly speaking, he believed that not a single individual had adhered to the rule laid down.

Viscount *Duncannon* saw no reason for regretting or retracing the steps taken by Parliament. The first architects had given their opinions on the plans, and their opinions had been confirmed by both Houses of Parliament. If they retraced their steps now, after a lapse of nearly two years since their decision, it would be extremely inconvenient, and it would be impossible to say when the delay would terminate.

Lord *Brougham* said, that when 800,000*l*. was to be voted, they ought to expect a building to be so constructed that it would last for ages; but he much doubted, if the present plan were adopted, whether buildings raised in accordance with it would be durable.

The Marquess of *Lansdowne*, as chairman of the Committee, would say a few words on this subject. A formal decision had been come to with respect to the plan by both Houses of Parliament, and although he had read the work of Mr. Hamilton on the subject with great pleasure, yet if a Grecian style were to be adopted, the uniformity with Westminster Hall would be lost, and an alteration would be attended with great inconvenience and expense. It was, he conceived, proper that the new buildings should assimilate with those great monuments so intimately connected with the history of this country, in the neighbourhood of which they were to be placed.

Report to be printed.

* * *

HOUSE OF COMMONS,

Tuesday, April 18, 1837.

Minutes.] Bills. Read a second time:—Consolidated Fund.

Petitions presented. By Mr. Bell and other Hon. Members, from various places, against the proposed Measure for the Abolition of Church-rates.—By Sir George Strickland, Mr. Shutt, and other Hon. Members, from Dacre, Wandsworth, and other places, for the proposed Measure for the Abolition of Church-rates.—By Mr. Finch and other Hon. Members, from various places, for the Amendment Factories' Act.—By Mr. Sheppard and Sir Charles Burrell, from Plymouth and New Shoreham, complaining of the undue advantages enjoyed by the Proprietors of the Shipping Gazette over the Proprietors of similar Lists.—By Mr. Bannerman, from Fishermen and others, upon the Rivers Don and Dee, for Salmon Fisheries (Scotland) Bill; and from Aberdeen and Annan, for the Repeal of the Duty on Cotton.—By Mr. Hume, from Westminster, for the Repeal of the Window-tax.—By Viscount Castlereagh, from Comber County Down, complaining of the ruinous state of the Parish Church, and praying that power be given to the Ecclesiastical Commissioners to rebuild the same.—By Sir John Beckett and other Hon. Members, from various places, that a General Bill for the Better Observance of the Sabbath, may go into Committee of the whole House.—By Colonel Thompson, from Mirfield, for the Repeal of the Septennial Act; for the Ballot; and for the Abolition of the Property Qualification of Members.—By Mr. Alston and Mr. Pease, from various places, for the Repeal of the Duty on Fire Insurances.—By Sir A. Leith Hay, from Strathaven, for Burghs of Barony (Scotland) Bill.—By Mr. W. S. O'Brien, from various places, for Municipal Corporations (Ireland) Bill.—By Mr. Robert Clive, from Salop, that the Survey for the Commutation of Tithes may be made at less expense.—By Mr. Lambton, from South Shields, for Universal Suffrage.—By Captain Jones, from Armagh, complaining of the present system of National Education.—By Major Beauclerk, and other Hon. Members, from various places, for Amendment of Poor-law Act.—By Mr. R. Palmer, from Guardians of Hungerford Union, against Repeal of said Act.

Breach of Privilege.] Lord *John Russell* rose to bring under the notice of the House a question regarding its privileges, which he felt to be of very great importance, and which ought to be decided after the most mature consideration. If the publication of the Report of the Poor-law Committee had merely referred to such a breach of the privileges of that House as had on former occasions been committed, he should not have hesitated to proceed according to the forms and practice of the House; and in order to state what that practice was, he should merely refer to the last resolution of the House upon that subject, dated May 1832, and on which, after various proceedings relative to the evidence given before a Select Committee, which had been printed in a Dublin newspaper, it was resolved that Mr. Sheehan, who had been examined before the Committee, had been guilty of a high breach of privilege, and an order was made that he should be committed to the custody of the Sergeant-at-Arms. He should not bring that case under the consideration of the House in the manner which its importance deserved, if he did not state that it was the impression of the Poor-law Committee that the breach of privilege committed by the publication in *The True Sun* newspaper, of parts of the evidence, and some of the documents presented before that Committee, had been made according to the directions, or under the control of, a Member of that House, who was also a Member of the Committee. Such was the impression of that Committee, it being known that the Member in question was proprietor of that newspaper. Now, he felt quite certain that if that were the case, the Member of the House so concerned in the publication of the evidence would not allow the House to call to its bar the printer of the newspaper, and suffer him to be committed to the custody of the Sergeant-at-Arms, while the act was done by his direction. That being the case, he felt it his duty to bring the question under the consideration of the House, as a question upon which they ought, after mature deliberation, to come to some decision as to what should be the proceeding of that House. It might be right (for he would not now enter into that question, because he would rather do so on a future occasion) that every Member of the Committee should have the privilege of publishing, in any newspaper he chose, the evidence taken before the Committee; but if that was to be the case, it should be by resolution of that House. His opinion was to the contrary effect. As, however, this was a subject of a very important nature, he would in the first place wish to state, that if any hon. Member of the Committee on the Poor-law Act was concerned in the publication of the evidence given before that Committee in *The True Sun*, he would feel it to be his duty to declare that he, and not the printer of the paper, was the responsible person in this case.

Mr. *Harvey* said, confining himself for the present to the mere question which had been put to him by the noble Lord, and reserving any observations which he might feel it incumbent upon him to make when the noble Lord should have submitted his resolutions to the House, he could have no hesitation whatever in stating, that no man would feel more ashamed than he should in seeking protection behind the backs of either printer or publisher. He did avow himself, as the law had already called on him to avow himself, by recording his name at Somerset House, as the proprietor of *The True Sun* newspaper, to be so; and in that capacity he held himself, there and elsewhere, responsible for its contents—when true to abide by them, when false to retract them; and if any person was injured by them, to express his regret, and, if need be, to apologise.

Lord *John Russell* said, the hon. Member had taken the course which he had expected he would take, and had disavowed his intention to hide himself under any printer or publisher's name. He thought that as the hon. Member was a Member of the Committee, and as the publication in question had not taken place through the interference of any editor of a newspaper, or of any printer, who had by some connivance or by indirect means obtained possession of the evidence taken before the Committee, but was published under the sanction of a Member of the Committee itself, he should not ask the House at the present moment to come to a decision on the question. He had made up his mind as to the course he ought to pursue on such an occasion, but that course he should propose to-morrow; and he should propose to defer the consideration of the question till to-morrow, in order that Members of that House should have an opportunity of reflecting in their own minds whether the course he proposed was consonant with the privileges of the House, and conducive to the interests of the public, or whether any other course ought to be adopted to produce those effects. The motion, then, which he should propose to-morrow, if the House would consent to postpone the consideration of the question till then, was—"That, according to the undoubted privileges of this House, and in order to afford due protection to the public interests, the evidence taken by any Select Committee of this House and the documents presented to such Committee, and which have not been reported to the House, ought not to be published by any Member of such Committee, or by any other person." He would not now enter into the argument for the support of that resolution—he would state it to-morrow. But if that resolution were entered into by the House, it would be seen that after such a declaration of its opinions it would be the duty of every Member of that House and of any Select Committee to conform to such a resolution. He moved, therefore, that the question be postponed until to-morrow.

Mr. *Harvey* gathered from the noble Lord's statement, that he was solicitous that the discussion of this truly important subject should be deferred. He trusted that the noble Lord would postpone it till Thursday, because it was of infinite importance that every hon. Member should give the resolution proposed by the noble Lord his serious attention, and it might so happen, that the debate of to-night would run so much into to-morrow as to make it doubtful whether there would be a House to-morrow; and it was not at all improbable that some hon. Members might wish to move an amendment on the resolution, of which notice would be required, and which might demand consideration.

Lord *John Russell* had no objection to the proposal of the hon. Member, and would move, that the consideration of the subject be postponed to Thursday next.

Debate postponed.

AFFAIRS OF SPAIN—ADJOURNED DEBATE.] Mr. *Maclean* moved the Order of the Day for resuming the debate on the Affairs of Spain. The hon. Member was understood to say, that the subject was acknowledged on all hands to be one of great national importance—indeed, one of the greatest that could be brought under the consideration of that House. He hoped, however, the subject would be treated in the temperate way it had been when on a former occasion it was brought under discussion. He thought that the noble Lord, the Secretary for Foreign Affairs would not now say, that the question was prematurely hurried before the House of Commons, because the party with which he acted had permitted nearly the whole period for which the Order of Council had been obtained, sanctioning the employment of troops, to elapse previous to bringing it forward. He was bound on this occasion to call to the recollection of the House and the noble Lord, whom he regretted not to see in his place, the anticipations in which he had indulged with respect to his policy. He regretted the noble Lord was not in his place, as he might then be able to answer him in the course of the debate. The absence of the noble Lord was, however, his own fault. He should prove, before he resumed his seat, that instead of the prophecies and vaticinations of the noble

Lord having been realised, they had been signally frustrated, both with regard to the co-operation of other Powers, the physical, and moral effects of the contest, and the influence created on the politics of Continental Europe. It would be recollected that the noble Lord, on a former occasion, had been asked by a Friend below him what course he intended to pursue, and whether this country was to be considered at war with Don Carlos and the people of the Basque provinces? What he blamed the noble Lord for was, that there was something in the course he pursued which he did not then explain, He thought that the course the noble Lord had pursued, was one not at all consonant with the interests of Great Britain, or even with the advantage of his *protegé* the Queen of Spain; and that it was one, moreover, which would result in the overthrow of the general superiority which this country had always held in Continental politics. What was the language of the noble Lord at the close of the last debate upon the subject? The noble Lord then made use of these expressions:—"I do not shrink from my anticipations upon this subject, and I beg to pin hon. Gentlemen opposite to theirs. I beg that their declarations and their prophecies upon this subject may be borne in mind, and that their reputation for political sagacity may depend upon the result. For my own part, I will say, that I am not afraid of abiding by the same test." What had been the result of the noble Lord's pertinacity in adhering to a course of proceeding on which he had staked his reputation? Had it not been disappointment to himself and disgrace to his country? The two hon. Gentlemen who came forward last night in support of the noble Lord, to one of whom he intended to have addressed a portion of what he should have said in reply, if the House sat so long as to permit him to do so, to one of those hon. Gentlemen particularly he should now advert, because, from his official situation, what he said on the subject at issue was deserving of some attention. The whole argument of his right hon. Friend, the Member for Launceston, remained unanswered by that hon. Gentleman. When his right hon. Friend had urged that the marines were used in aid of the Queen of Spain in a way that had neither been specified nor guaranteed by the Treaty of the Quadruple Alliance, the hon. Secretary for the Admiralty replied by giving instances which he called analogous, in which they had been, according to his statement, so employed. The hon. Secretary for the Admiralty among these instances, quoted that of Acre, where the marines were engaged under Sir Sydney Smith; that of Naples, where they had been employed by Lord Nelson; and that of the coast of Spain, where they had been used in the late war; but, in quoting them, the hon. Secretary seemed to have forgotten, that there was a slight difference, just sufficient to destroy his analogy. He had, in short, forgotten the fact, that England was then at open war with those countries; and that the marines were employed against Powers with whom we were at enmity. In such a case, was it to be supposed that those having the command would be very nice in calculating the cause, so that the consequences were favourable to the country? When, however, the hon. Secretary for the Admiralty said this, he also said, that the country was not at war with Don Carlos. How, then, could the cases be analogous? Why, should British Marines be not alone employed against him, but a justification be sought for that employment in quoting cases which had no possible relation to the subject. When the noble Lord opposite was asked what earthly interest England had in the issue of such a contest—what advantage it was to her to lavish, not only her treasures but also a large body of her sons for the sake of the cause—nay, more, when he was asked why she should sacrifice the high character which she once enjoyed in Continental politics, what did he answer?—"If England has no interest in the success of the Queen's arms, then, undoubtedly, we were wrong in concluding the treaty, and are not borne out in issuing the Order in Council. But England has an interest in the success of that cause. And why has she an interest? Because it is the interest of England that Spain should be independent, in order that she may be an element of the balance of power in Europe. Or, even if we look at the matter in the narrow view of our relationship with Spain, as a trading and commercial country, it is our interest that her resources and her wealth should be developed; and that for this purpose she should receive the benefits of that constitution which Martinez de la Rosa (of whom the noble Lord spoke in such high terms) has laboured to procure for her. It is of importance to England that Spain should not be under the misrule from which she suffered in the reign of Ferdinand, and to which she would return if Don Carlos ascended the Throne." He believed he quoted the noble Lord correctly. England, then, had an interest in the success of the cause, and, why had she one? Because, according to him, it was for her advantage that Spain should be independent—that she should be an element in the calculation of the balance of power. For this, and this alone, it was necessary, according to the noble Lord, that Spain should have the benefit of the constitution which Martinez de la Rosa had conferred on her. The essence of the interference of the noble Lord, then, was first, that it was necessary to make Spain an element in the balance of power, and, secondly, that she should have the benefit of the constitution of Martinez de la Rosa. He thought he should be able to show the House that the conduct of the noble Lord had been the very means of preventing that constitution from being completed. How inconsistent had been the conduct of the noble Lord. When the Queen of Spain first ascended the throne of that country, the French Government, as it seemed, with most inconsiderate haste, tendered to her by an Envoy Extraordinary, M. Menuet, who was sent to Madrid for the purpose, the use of an armed force, to support her pretensions to the Crown. But what Government did the French Minister offer to uphold in Spain? Was it the present system of policy or the men who pursued it? No, it was to the Government of M. Zea Bermudez that support was tendered by him —it was his system of policy—the "enlightened despotism" of Ferdinand VII., and not the constitution of M. Martinez de la Rosa, that was offered to be upheld by him. On precisely the same grounds did the British Government act in its recognition of the Queen's right; on that footing it was, that England first acknowledged her power. But M. Martinez de la Rosa soon found out, on the displacement of M. Zea Bermudez, that the "enlightened despotism" of Ferdinand would not stand; that the revolutions of 1812, and 1823, had introduced a new element into Spanish policy; and that, in short, without an equivalent change it would be impossible to carry on the Government. He therefore changed it, and substituted the constitution. He would quote a few passages from a work which had many marks of the paternity of the noble Lord, and to which, if he did not stand in the close relation which most men believed, he certainly did in that of godfather. It was a pamphlet well known of late, because often quoted in the discussions on the present question. Now what was the declaration, as given in that work, made by the Queen of Spain?—

> "After an assurance that the Catholic religion, its doctrines, its temples, and its ministers, should be the first and most grateful care of her government, the Queen Regent proceeds to say, 'I entertain the most complete conviction that it is my duty to preserve intact the deposit of the royal authority that has been confided to me. I will religiously maintain the form and the fundamental laws of the monarchy, without admitting dangerous innovations, which, however alluring in principle, have already for our misfortune, been too much attempted. The best form of government for a country is that to which it is accustomed. A stable and compact power, based upon ancient laws, respected by custom, consecrated by ages, is the most powerful instrument for working out the good of the people, which is not obtained by weakening authority, by combating established ideas, habits, and institutions, by molesting interests and expectations which already exist, for the purpose of creating new ambitions and exigencies, by inciting the passions of the people, by forcing individuals into a state of struggle or confusion, and society into a general convulsion. I will transmit the sceptre of Spain into the hands of the Queen, upon whom the law has conferred it, entire, without deterioration or detriment, in the same state as the law has conferred it upon her.'"

That was the declaration of the Queen of Spain—that was the form of government she proposed to confirm—namely, "the enlightened despotism" of her forefathers. But a change in the government ensued shortly after her succession, and then came M. Martinez de la Rosa and the constitution. How came it, then, that the noble Lord interfered in the question? It was found impossible by Martinez de la Rosa to continue the system of Zea Bermudez, so he at once brought forward the *Estatuto Real* as the constitutional form of government which the noble Lord had once pledged himself to support. The noble Lord might shake his head; but had he not quoted his own words? He would ask the noble Lord, whether the views of Martinez de la Rosa were the same as those of the French and Portuguese governments, the other parties to the treaty? In 1836, the Spanish government applied to this country for an armed intervention, or rather an application was made for it by certain parties. In June, 1835, a similar application had been made to the French government, and refused by it. On that occasion, it was, that the noble Lord, when he knew the French government had refused all intervention, when the offer made by Spain to that government, had been rejected; it was at that time that the noble Lord had thought proper to raise the Legion in this country, and send it to the Queen of Spain. What was the language used by the French minister, in relation to these circumstances? Count Molé, President of the Council, thus spoke:—

> "In June, 1835, the Queen of Spain demanded an armed intervention of France. The President of the Cabinet addressed to the Court of St. James's the three following questions:—1. If it thought the present circumstances of the Peninsula warranted an acquiescence in the demand of the Queen?—2. If England would co-operate in it?—3. If she would consider the intervention of France as a *casus fœderis?* England replied in the negative; and from that day to the month of August, 1836, the same policy presided over the decisions of France as regarded Spain. In March, 1836, England, however, considered, that circumstances justified co-operation, and announced to General Sebastiani, that it was her intention to land a certain number of marines on the coast of Spain, and invited France to share in that co-operation. The English Cabinet offered France the occupation of the port of Passages, and even allowed her to limit herself to the extent and fix the mode of her co-operation."

The English Cabinet, then, it appeared, offered France the occupation of Passages. It was certainly very generous of the noble Lord to make the offer, particularly as France could have occupied it at any time. In 1835, then, it was clear that a formal application for an armed intervention was made to France, and that a formal refusal was given; there was no contradicting that. What, then, was the conduct of the noble Lord? When the refusal of France to interfere was given, Toreno was called to the ministry of Spain, and Martinez de la Rosa was driven from the helm of affairs in that country. M. Mendizabal was then in London. Several extensive houses in France and England, especially in London, were deeply involved in the loans made to the Spanish government: among them were those of Ardouin, Ricardo, and Rothschild—it was said, to the extent of eighteen millions of reals. When, therefore, the news of a refusal of armed intervention on the part of France reached them, it became necessary to take some steps to neutralize the moral effect it would produce on the state of the loan. A *re-union* was consequently held in London, and General Alava, the Spanish Ambassador, applied to the noble Lord for 10,000 men. It appeared, therefore, that all these parties were deeply interested in the issue of the question; and it was also quite clear, that it was the policy of the Spanish government to obtain the 10,000 men from this country, because, when once they were granted, we should be implicated, and could not recede from the quarrel. However, he had reason to believe, that there was no direct application from Madrid, or instructions to make it either, but that the act was an *improvisation* in London with which the Spanish Court, and, indeed, no one but the parties, had anything whatever to do. It was well known, that the holders of Spanish stock were the principal parties interested; and that the houses of Ardouin, Ricardo, and Rothschild desired it, to negative the moral effect of the refusal of France on the market. On these grounds alone was the application made for intervention on the part of England. What effect had it on the Court of Madrid? At that time, M. Rayneval, the French ambassador, had influence and interest there; and he was opposed altogether to England. All parties were, however, more or less interested in the grant of the force applied for, and they all succeeded in obtaining it, in the manner in which he had stated. Now, if that could be proved, and he spoke under the correction of the noble Lord, he had no hesitation in saying, that such application should never have been sanctioned, and such intervention should never have been made. He (Mr. Maclean) would next come to the Legion. What was the course pursued by that body from its formation? He could not but regret, that the hon. and learned Gentleman (Mr. O'Connell) who spoke last in the debate of the previous night, should have thought proper to throw over the gravamen of the charge against them, as made by his hon. and gallant Friend who sat near him, and take shelter under a mere subterfuge, by stating, that all those hon. Gentlemen on that side of the House in stating the unfortunate situation of this country in the Spanish quarrel, and that of our wretched countrymen, were rather vindicating the cause of Don Carlos than the cause of humanity. The hon. and learned Gentleman's language, too, was as strong as it well could be on the subject of bigotry and intolerance; but he forgot that those who supported Don Carlos were of the same faith as himself, and that they fought and bled for what he would have made such an outcry about, *pro aris et focis*—that for which he hoped that every Englishman would be ready to lay down his life. The hon. and learned Gentleman charged his hon. and gallant Friend with having got up the debate in favour of the interests of Don Carlos; also with having made charges against General Evans. With respect to the former, the question was already answered; and as to the latter, he was ready to bear witness that never had a debate in that House been better conducted in that respect than by his hon. and gallant Friend. Indeed his hon. and gallant Friend had seemed most careful to abstain from casting the slightest slur upon the character of General Evans, even when the circumstances of the case would appear to warrant it. An unfortunate brave man was always the subject of regret, and General Evans was unfortunate, whatever causes might have conduced to it—whether accident or military incapacity. His hon. Friend had said in substance no more; and, therefore, the attack on him was unfair. Nothing in his speech, on that occasion, could justify the diatribe of the hon. and learned Member. But, to revert to the subject, from which he had casually departed, what was the course of the Legion after its embodyment? It was concentrated in December, and in the January following it marched upon Vittoria. In a work written by an officer of the Legion, he had seen a good deal on the subject, but he would not trouble the House by quoting it in detail. When it reached Vittoria, what was the state of things? He held in his hand a correspondence from an officer of that force, detailing the almost unprecedented horrors endured in that expedition. He stated, that every step of the route from Portugalete was marked by excessive punishment of the men, as well as by general suffering of the most intense character on the part of all. When they started from Portugalete, they were laden each man with three days' salt provisions from his Majesty's ship, Ringdove. He did not know whether the statement was perfectly true or not; but if it was, the noble Lord should be aware of it. At all events, there was nothing in the treaty which specified that provisions should be supplied; arms and men were all that it stated. When the troops arrived at Vittoria, the writer took occasion to contrast the treatment experienced by the French forces with that of the English. The English were quartered in a convent, where a large number of recent interments had taken place; the consequence was, that the effluvia was disgusting and unhealthy in the extreme. The French, on the contrary, had the best quarters the town could procure. How was that? It was because their general had threatened to march them back over the frontiers, if he had not the best accommodation which could be afforded for them. Why did not General Evans do the same? Were the lives and comforts of British subjects of less value than those of Frenchmen? Why, when his men were lying in cold damp places, with dead bodies rotting, not three feet under them, did he not say that he would not suffer it. The letter of his correspondent went on to say, that—"What with desertions (the consequence of ill-usage, bad quarters, and flogging) and deaths, the Legion lost during its sojourn at Vittoria and the neighbourhood, seventy officers and nearly 2,000 men." What was the next operation of the Legion? In April they marched to St. Sebastian, from which, with the exception of the unfortunate expedition of Fuentarabia, they never stirred beyond the walls. Therefore, for all the service they had done to the Queen in the acquisition and defence of her territory, and all the injury they had done to the cause of Don Carlos, it would have been quite as well if they had remained at home. The correspondent whom he quoted said, also, that so vigorous and irresistible were the attacks of the Carlists, that the Legion on more than one occasion would have been driven into the sea but for the assistance of the British ships of war the Salamander and Ringdove, then in the Bilboa river, and also for the aid given in beating back their opponents by the gun-boats. A great deal of the money sent out from this country had been expended on the fortifications of St. Sebastian, working on which it was said that the men got ninepence a day; but that appeared to be all the good ever done with it. The Legion marched to Vittoria, and it marched back. It attacked Fuentarabia and Passages, with a success which was achieved mainly by the undaunted seamen and marines of his Majesty's ships, whose character was to achieve anything which could be achieved, and they were then lodged in St. Sebastian. That was all the effect which had been produced by our interference. Was it a compensation to this country for the lavish expenditure of her blood—for the expenditure of half a million in stores and ammunition, and half a million more in extra ships and provisions? Out of 10,000 men, it appeared, that 4,100 were destroyed either by the sword, disease, or hardship; and after holding ourselves up to Europe as the arbiters in the contest, as the sole supporters of it, in point of fact, we were now debating whether we should permit it to continue six weeks longer or not. What influence had the noble Lord gained by the course he had pursued at Madrid? Had he made England more respected there? Had he increased her power? What was the answer? The noble Lord had supported the ministry of Martinez de la Rosa? How long did it last? He had done the same by Toreno. What was its fate? Mendizabal and Calatrava's administrations followed, and fell likewise. They ran through every phase, and supported themselves solely on the constitution. What was the constitution? That of the Cortes of the kingdom—that of the old institutions of Spain? No, the government as it now existed, was conferred on the country not by the Cortes, but by Sergeant Garcia at La Granja. The constitution now in force in Spain was suppressed over and over again, subsequently to 1812, in consequence of its incompatibility with the freedom and old institutions of that country. The noble Lord was now supporting the Queen of Spain, was he also supporting the constitution of 1812, and the government of Sergeant Garcia? It was not the constitution or the government which the British nation was pledged to support. Some of its worst clauses, it was true, had been modified; but too much of evil still existed to render it acceptable to Spain, or worthy of English support. He would ask, after all the noble Lord had done, and after all his interference, what influence did he claim to possess in the affairs of Spain? He remembered that the noble Lord upon one occasion most humanely and greatly to his credit, attempted to interfere to procure the liberation of twenty-seven Carlist officers who had been taken prisoners on the high seas by the Queen's party. The noble Lord wrote to Mr. Villiers, the British Minister of Madrid, to use his most vigorous exertions, on the part of the Court of St. James's to save those officers from captivity. This was the application that was made by the noble Lord on the part of the Court of St. James's—that Court to which the Queen of Spain stood so deeply indebted; and would the House believe what the answer was which the Spanish government returned to this humane application? Why it was this, that the excitement caused by the civil war was so great it would not be safe to set the prisoners at liberty; and the result was, that they were transported, he believed, to Porto Rico, a most unhealthy climate. Here, then, was an instance of the noble Lord's influence. This was the first experiment the noble Lord had made to exercise his influence as the Foreign Minister of England with the Spanish government, and the House would see how signally it had failed. Now, let the House turn its attention to the noble Lord's exertions to mitigate the horrors of civil war. There could be but one opinion existing in every civilized and humane breast as to the character of the Durango decree. That that decree was as atrocious and barbarous in principle as it was foolish in policy it was impossible to deny. But was it the initiative in the cruelties that had taken place? He contended that it was not. Did not the noble Lord remember the sanguinary edict which had been issued by the Spanish Minister at Madrid against all the adherents of Don Carlos, before that Prince had entered the Basque provinces? This decree would show one of the modes adopted for settling the succession. It directed that all persons discovered to be adherents of Don Carlos should be put to death as soon as they had been allowed the rites of religion. This included all persons who gave the aid of money, advice, or information to that

Prince, or those who joined him; and all municipal officers, who harboured or concealed any of the Prince's followers were also made liable to the punishment of death, fine, banishment or imprisonment, according to the degree of their offence. Talk of the Durango decree after this! And this edict, let it be recollected, was issued when Don Carlos was out of the country, and consequently not in arms against the government. Let the records of Turkey be searched, and it would be impossible to discover a more sanguinary decree than this. The noble Lord must also recollect, that when the accounts reached this country of the massacres at Barcelona, he, with a proper feeling, wrote to Mr. Villiers to represent to the Spanish government the necessity of bringing to punishment the perpetrators of those massacres, and of preventing the recurrence of such barbarities in future. Was that representation of the noble Lord attended to? Not in the slightest degree, for not one of the offenders was punished. It had been said, that the massacres of Barcelona were a sudden effect of popular feeling, highly excited; but it was now clear that they were premeditated atrocities. That monster Mina was the prime mover in this atrocious affair; but the government of Madrid did not dare to molest him, lest he should raise Catalonia against them. It was clear, then, that the noble Lord had no influence to mitigate or assuage the horrors and cruelties of civil war in Spain. But had the noble Lord done nothing to exasperate that war? Beyond doubt he had, by permitting a body of 10,000 British subjects to interfere in the contest. The noble Lord might say, that General Evans was acting independent of the British Government; but what did General Evans himself say in his letter to his constituents? Why, that he was carrying out in Spain the principles of the present liberal Government of England. The pamphlet to which he had referred stated, that the Spanish government at Madrid severely reprobated the foolish and unjust conduct of Castanon in depriving the Basque people of their freedom; but did the government of Madrid even restore to the people of the Basque provinces since their ancient *fueros?* No, it did not. And what reason does the pamphlet assign for this injustice which it admits? Why, that it would lower the government to have restored those ancient privileges after they had been once taken away. He did not believe, that the noble Lord thought so. Indeed, he believed that the noble Lord would have rejoiced at justice having been done to the Basque people, if only to prevent all that had since happened. But the noble Lord had referred to the mediation of England between France and America, on a recent occasion of pecuniary differences between those two countries, to show that Great Britain still maintained her influence with foreign nations. Supposing this influence to have existed, had not the noble Lord taken great pains, by the *quasi* war in which he had embarked the country, to weaken that influence? General Evans had completely identified the noble Lord with the cause in which the Legion had embarked, for he had used exactly the same language about establishing a balance of power through the means of Spain which the noble Lord had used in that House, and the same language had been echoed by Mr. Villiers at Madrid, at a dinner given in celebration of raising the siege of Bilboa. The British Minister, too, upon that occasion, said something about the despotic governments of the Continent —language which he thought well calculated to provoke a contest with those governments. Suppose those despotic governments, as Mr. Villiers called them, thought proper to say, that they would not agree to the establishment on the throne of Spain of the line of succession which the noble Lord was now upholding, and that Don Carlos ought to be the king of Spain; and suppose, in following up this declaration, they sent arms and other munitions of war to Fuentarabia, for the use of Don Carlos, would not the noble Lord direct the British ships upon that coast to fire upon the vessels supplying those warlike stores? And in what position would the noble Lord be then placed? Must he not then interfere directly in the contest, and did he not at this moment leave this country liable to such an issue? The government of France had been taunted with not fulfilling its engagements under the Quadruple Treaty, and the hon. and learned Member for Kilkenny had, in deprecating the conduct of the French government, called the king of France an accidental king, and a king of the barricades. Was this, he would ask, fit language to be applied to the sovereign of a country with which we were now in a state of friendly alliance? The king of France was no more an accidental king than the queen of Spain was an accidental queen. The king of France was called to the throne by the will of his subjects, and how was the queen of Spain called to the throne? Why, by the dotage of her husband. If the noble Lord had read the letters that had passed between Don Carlos and his brother, the then king of Spain, he must have seen the determination of Don Carlos there expressed never to surrender his claim to the throne, and his request to the king to transmit to all the courts of Europe his protest against any attempt to set his claim aside. To this letter of Don Carlos the king wrote an answer, to which he would particularly call the attention of the noble Lord, as it expressed the opinion of Ferdinand upon non-intervention. He would read the last part of the letter; it was dated the 6th of May, 1833, and ran thus:

> "Spain is independent of every foreign nation and influence in all that belongs to her internal government, and I should therefore be acting contrary to the free and complete sovereignty of my throne, and with detriment thereof, transgressing the principle of non-intervention generally adopted by the cabinets of Europe, were I to make the communication which you request of me in your letter.
>
> (Signed) "FERDINAND."

This was Ferdinand's impression of the feeling which he thought pervaded all the courts of Europe on the principle of non-intervention; but the noble Lord took quite a different view of the subject, as his policy respecting Spain had shown. The term assassin had been very lavishly bestowed on those who acted under the Durango decree, and perhaps justly so; but were not the persons who had put Santos Ladron to death, assassins, and were not the perpetrators of the butcheries at Barcelona assassins? After the humane interference of Lord Eliot to procure a mitigation of the cruelties carried on, Valdes refused to be a party to a cessation from the barbarities practised, and this refusal was justified in the pamphlet he had alluded to, on the ground that it would lower the government. After the affair at Bilboa six Englishmen had been taken by the Carlists, and were doomed to death under the Durango decree; but an application was made by a foreign gentleman who had experienced some hospitality and attention while travelling in this country to Don Carlos, to spare the lives of those six men; and Don Carlos instantly complied with the application, on the ground that they were Englishmen. He held in his hand the very order of Don Carlos upon that occasion to spare the lives of those men. This was done through the influence of a private gentleman, and yet the noble Lord, representing all the influence of the British Government, could not procure the liberation from the Spanish Government of twenty-seven prisoners, in whose behalf he had applied. His hon. and gallant Friend had said last night, that he felt great interest in the question, and his hon. and gallant Friend had truly said so. He did feel great interest in that question. He had felt that interest before any change of government had taken place in Spain, or before the upbraiding speech of the king of France had been delivered. What did that speech say? Why, that the king thought it derogatory to the crown of France to interfere in any other way than with French soldiers, commanded by a French general, and under the French flag. It was alleged that the men who had been engaged for the Legion were all engaged for two years; but the fact was not so. They were engaged for one or for two years, at their own option; but those who refused at the expiration of the first year to serve the second, were most inhumanly treated. Was not the noble Lord bound to inquire how these poor men had been treated by the Spanish government? It had been said, that surely the lower class ought not to be prevented from earning a livelihood by enlistment in foreign service, or from earning for themselves crosses, and other distinctions. "God knows," said the hon. Member, "those poor fellows who joined the Legion have earned for themselves crosses enough, if nothing else." He had received from an officer who had served in the Legion, an assurance, that he gave the enlistment roll to another officer of the Legion, by which, it appeared, that a great portion of the men had only engaged for one year. He held in his hand the statement of the affair in question. It was this:—

> "I gave the enlistment roll of the sixth, eighth, and part of the fifth regiments to * * * of the * * * in August last, when the mutiny took place among the Scotch and tenth Irish regiments. The majority of the Scotch enlisted for one year, and trusted to the recruiting officers' words and good faith to bear them out.
>
> "Officers were placed upon the invalid list,

with promise of the gratuities, to keep quiet, and from honestly speaking the truth of General Evans."

What was the situation into which they had brought themselves? They had come to this point—either they must give up the cause of the Queen, or they must drive Don Carlos from Spain—a thing not, under present circumstances, very easily done. Were they prepared to go to war, to support the Queen of Spain? He should like to see the man who would stand up in the House opposite to the hon. Member for Middlesex, and make a proposal to the House for a declaration of war. There were two other courses which might be pursued. One was to call for the intervention of the Great Northern Powers to put a stop to the war now going on in Spain, and recognise the present Queen. Was there any probability that they would act in this way, when those very Powers had withdrawn their Ambassadors from the Spanish Court, or refused to recognise the rights of the Queen? If intervention of this kind had been tried at an earlier period some good might have arisen from it; but now he feared such a proposal would come too late. The other course was to withdraw their marines, together with the Legion. This would be the best, the most just and politic course. They had not from the beginning any right to force a Queen upon the people of Spain. By their intervention, in place of producing any good, in place of contributing to heal existing dissensions, and to smooth down existing difficulties, they had sown the seeds of everlasting dissension and discord among the people of that unhappy country. They might drive Don Carlos from Spain, after a protracted war; but they would never succeed in driving the people of Biscay from their country, or depriving them of their liberties and privileges. A passage in the address of the present President of the United States appeared so applicable to their recent course of policy and to their present circumstances that he would take the liberty of reading it to the House. Martin Van Buren, in his inaugural address, said:—

"Our course of foreign policy has been so uniform and intelligible as to constitute a rule of executive conduct which leaves little to my discretion, unless, indeed, I were willing to run counter to the lights of experience and the known opinions of my constituents. We sedulously cultivate the friendship of all nations as the condition most compatible with our welfare and the principles of our government. We decline alliances as adverse to our peace. We desire commercial relations on equal terms, being ever willing to give a fair equivalent for advantages received. We endeavour to conduct our intercourse with openness and sincerity, promptly avowing our objects, and seeking to establish that mutual frankness which is as beneficial in the dealings of nations as of men. We have no disposition, and disclaim all right, to meddle in disputations, whether internal or foreign, that may molest other countries, regarding them in their actual state as social communities, and preserving a strict neutrality in all their controversies. Well knowing the tried valour of our people, and our exhaustless resources, we neither anticipate nor fear any designed aggression; and in the consciousness of our own just conduct, we feel a security that we shall never be called upon to exert our determination never to permit an invasion of our rights without punishment or redress."

This appeared to him to be sound doctrine. The noble Lord thought otherwise, and time alone could tell which course would have most effectually sustained the honour and the interests of the country. He would trouble the House with one other quotation, and then sit down. It was from the German writer, Heeren, an able and well-known man:—

"England is now marked as one of the five leading Powers who determine the relation of the European State system. She has connected herself with them without any surrender on her own part, and has, therefore, reserved to herself the power of stepping forward as a mediator whenever it may be necessary...... Are we not justified in hoping that she will become still more in future the mediating Power? She has lately mediated between two great Powers with an excellent result; let her reserve her mediatorial capacity for such occasions; let her avoid guarantees and alliances; let her maintain a respectable army and a powerful fleet; let her leave her neighbours alone, and resist promptly the slightest aggression; let her leave trade free; and though friends may lament her loss of influence on the Continent, and enemies boast of her exclusion, her character will stand higher in the world, her voice will be more respectfully heard, and her flag more honoured, than when she exchanged guarantees with every State, had a scheme for the succession to every Throne, and intrigued in every Court in Europe."

With a strong recommendation of the prudent and salutary advice conveyed in that passage, he would sit down, hoping that the noble Lord would explain what his policy was as regarded Spain—would inform the House whether or not they were at war with Don Carlos, and, if not, what course he meant to propose of putting an end to a contest which threatened to involve all Europe in war. Should the noble Lord give no explanation, the country would naturally conclude that at length the noble Lord had become ashamed of his own policy.

Mr. *Henry Lytton Bulwer* had many things on which to compliment the hon. and learned Gentleman who had just sat down—on the lessons he had given in courtly manners, on the length to which he had been able to protract the subject in debate, but more especially on the opportunity which he had at last found of celebrating his countrymen's defeat. As to the right hon. and gallant Gentleman who brought forward the motion, he did justice to his talents and his character, but he still thought he was placed in an unhappy position, when he had to prove a national disgrace, in order to obtain a political triumph, and when there would also be many who would think that on this occasion he had been too ready to make the ruined reputation of his brethren in arms a stepping-stone to party purposes. [*Sir H. Hardinge :* I deny it.] He would repeat the assertion, and make it the more frankly and considerately when he looked at the time at which the motion had been brought forward. Had the right hon. and gallant Gentleman brought it forward after some great and signal success like that of May last year, then, indeed, it might be said that he did not wish to discredit those whom he was recalling. Had he waited until after the 10th of June, when the engagement of those persons would have expired, and when, if the service they were engaged in was so unprofitable, they would return home, then the right hon. Gentleman would have acted in a manner well consistent with his established character for manliness and generosity. But what did he do? He demanded the recal of these gallant men at a time when such recal must be most painful to their feelings as men and officers. He would not allow them a moment's delay by which they might profit by a success that would take the sting out of his motion. He would not do this; neither would he wait until the various charges necessarily employed or made in a debate of this kind could by these gallant persons themselves be met and answered. In making these observations, however, he did not wish to aggravate the situation of the right hon. and gallant Gentleman—far from it. The House was then entering on a party contest which would decide which of two parties should direct the Foreign policy of Great Britain. But, before they went farther, let them for one moment pause there—let them for one moment forget whether they were Whigs, Tories, or Radicals, and only remember that they were Englishmen; and that they had countrymen who had, upon the whole, exhibited great gallantry, as well as suffered great privations, and who were at that time placed in a position eminently critical to their professional reputation. It was not fair that these gallant men should be made the victims of any favourable opportunity for a party manœuvre in that House. If the noble Lord's policy were wrong, let that policy be attacked and condemned—let those who had supported that policy be condemned and attacked; but it was not fair, he said and repeated, that any blame or reproach should, on that account, be cast upon the Legion. And what, upon the whole, had been the conduct of the Legion? He would not go into every detail which had been quoted from a book where the author had, at least, the merit of binding up his recent and former opinions together, so that you might on the face of the volume see the faith that should be placed on its authority—he would not go over all these details, but he would say what upon the whole had been the conduct of these men; and here he referred to the hon. Member for Sandwich. That hon. Member had said last year in the House that he held a state document in his hand—the report of the adjutant-general of Don Carlos. And what said this adjutant-general? Why, that there were 100,000 men well armed and equipped under the command of the Pretender. Well, then, taking only half of what the hon. Member said—and the hon. Member's Friends could not, at all events, believe this to be an exaggerated statement—what did it say? Why, that the 5,000 or 6,000 men who bore the British name, and who had had every difficulty to contend against, and that yet notwithstanding they had contended for two years against 50,000 men, and had actually beat them in seven or eight engagements; and when he said seven or eight engagements he did not speak vaguely or loosely—at Arlaban, on the heights of St. Sebastian, at the capture of Passages, on all these occasions they had been victorious; twice the Carlists had attempted to force their lines, and had been driven back—twice they had attacked the lines of the Carlists, and had driven them in; and if then the gallantry of these men merited praise, still more did the constantly heroic conduct of his hon. and gallant Friend their commander. That hon. and gallant Friend of his had been attacked continually and indirectly, perhaps, during this debate, but more openly on other occasions; he would, therefore, make no apology to the House for reading two extracts from letters which related to his hon. and gallant Friend—one bearing upon a specific charge, the other regarding his general conduct and ability:—

> "With regard to your queries relative to the command of the Legion in connexion with the punishments which took place in it, I know that the opinion of many superior officers, and those of experience, was, that if he erred in any manner, respecting punishments, it was not in the severity, but in his disposition at all times to carry his pardon too far."

That was the language of Col. M'Dougall, who commanded his own regiment five years without inflicting a lash. Another officer, equally distinguished, who had retired from the service on account of his wounds, and did not think glory was to be attained by calumniating his chief, said:—

> "Never was a general so beloved, indeed I might almost say idolised, by those under his command, both officers and soldiers, as General Evans is; and his intrepidity in danger and cool foresight in action, are the admiration of us all."

He would, however, leave that part of the subject on which his friendship to his gallant Friend, his respect for his character, his admiration for his gallantry, and his regret at his absence had induced him to trespass at some length, and he would turn to the more general subject of debate. In so doing he had to observe that much which the hon. Gentleman had said the night before seemed to him, upon the whole, unworthy grounds for a great motion that was to attest an account of those unhappy and atrocious violences committed by cruel but necessary associates. The strongest argument he had heard used was that which had reference to the Basque provinces. The hon. Gentleman said, "Would you interfere with the liberty and independence of the Basque people?" And under ordinary circumstances he should not. But the Basque people were in a particular situation—they deemed they were struggling for their own liberties, but they were made the instruments of those who in a most important case mistook the policy of the country. No doubt, if the hon. and gallant Gentleman were to describe the terrors of a field of battle, which no one was better qualified to do, or the horrid scenes which that field would exhibit after battle—if he exhibited the storming of a town, and all the savage acts of atrocity likely to be committed by infuriated soldiers, at that time rarely under control, that he would be able to harrow up the feelings of the House; but was that a statesmanlike way of meeting a great question? Might he not reply in the same manner by showing all the horrors of that cause against which these men were fighting. Might he not lead the House to the dungeon, the rack, the stake? Might he not point to the torture, the thumb-screw, and all those devilish and inquisitorial engines by which men had attempted to torture not merely the body but the mind of their fellow creatures? But was it in rational argument to be contended that the ill-timed acts of any ally were to induce you to withdraw from his cause, if it was according to your policy and to your engagements to adhere to it? Last night reference had been made to the frightful system of assassination which had prevailed during the whole of the last war throughout the Peninsula. But there was a case still more in point, that of El Arish—it had been alluded to the night previous. There we acted in company with allies—the Turks—with those allies we took the fort. What occurred? Why, our allies murdered 300 men in cold blood. Sir Sidney Smith protested against this; he did all he could to prevent it—but certainly the British Government did not think it necessary to deliver up Egypt to Buonaparte, to enslave all the rest of the inhabitants. If we triumphed, all Spain would be free as the Basque people; but if the Basque people triumphed, then, indeed, there was every reason to believe that the man whose cause they had espoused would engulf their liberty in the general tyranny he would spread throughout the land. The Basque people, therefore, had no good cause to complain of us, but of those who were using and abusing them in a contest which, if what was said was true, would be equally contrary to their character, their principles, and their interests. Now, as to the two cases of the marines and the Legion, the hon. gentlemen would express no decided opinion on the Quadruple Alliance itself; but they said the terms of that alliance declare you should only afford a naval force to the Queen of Spain, and the use of marines as you employ them is not a naval force. His hon. Friend, the Secretary of the Admiralty, had with much ability shown various instances, two in particular, where marines as part of a naval force had been so employed; but then, said a noble Lord who followed, you should not employ so many marines. And what did all this amount to? Why, that we had acted upon a treaty, not in a niggardly, but in a generous, manner. And what were we now called upon to do? Why, we were called upon to contract our sense of the engagement—and at what time? After some great success which rendered our assistance less necessary? No; hon. Gentlemen had been waiting for a moment of misfortune, and now they came forward and showed us an equivocal word on which we could side out of that which we had hitherto considered the spirit of our treaty. And then they talked of national honour. But the Legion had done nothing. Now it was fair in considering what the Legion had done to consider what would have been done without the Legion. Had the Legion not been in Spain last May, St. Sebastian would have fallen; had St. Sebastian then fallen, Bilboa would not subsequently have been relieved; had St. Sebastian and Bilboa both been taken by Don Carlos, that memorable event of which the hon. and learned Gentleman, the Member for Oxford, spoke, would have taken place, and Don Carlos would have been recognised by the northern powers. But would this help the Quadruple Treaty. That hon. Gentleman had forgotten that his leaders meant to stand by that treaty. In what condition, then, would have been the treaty? Would it have been favourable to an amity with the northern powers to have one sovereign whom they recognised, and one whom we recognised, both contending on the soil of Spain? But he was arguing as if the hon. Gentlemen really wished to maintain the Quadruple Alliance; whereas his belief was that they desired nothing but to discredit and destroy that alliance. Should he justify it? How and under what circumstance was it formed? Austria at that time had the occupation of Bologna —Russia, her foot on Poland, grasped at Constantinople—the freedom of the free town of Frankfort had been violated —the independence of the minor states in Germany had been invaded—in Portugal there was a struggle of opinion—in Spain a struggle of opinion—Belgium stood unrecognised—France menaced—and this country, according to the opposition at all events, disregarded and defied. At such time, and under such circumstances, if there could be a wise and extensive policy, favourable to the peace of the world, and favourable to those principles which make peace prosper, it was the policy of uniting the great western powers of Europe in an alliance of which the solid basis was constitutional and liberal opinions. Did our Government alone see this? No, their enemies saw it also. Why that council at the Po, of which a noble Friend had spoken so eloquently? Why was Rome said to be now ransacking her exhausted treasures to aid the Pretender? Why was Sardinia supposed to be sending secret supplies to the same quarter, and Russia offering officers and gold? Why was it daily said that Don Miguel was about to appear in the camp of Don Carlos, that it was there also that the Duc de Bordeaux should make his first essay in arms? Why, because it was felt throughout the world that it was to the camp of Don Carlos that the friends of despotism should resort—because it was felt throughout the world that it was on the soil of Spain that the battle of freedom was to be won or lost. And were hon. Gentlemen opposite insensible to this? No; they knew well enough, that though Spain was spoken of by this motion, England, Scotland, and Ireland would be equally affected by it; they knew well enough that if this motion were carried, the Irish Corporation Bill might as well have been lost. They knew well enough that if this motion were carried, the marines would not only come home, but the hon. Gentlemen themselves would come to that side of the House. But he was sorry if he was hurried into a party tone; he regretted it if he had been so carried away. He wished, on the contrary, to look at this question in a larger, calmer, and more statesmanlike view; and he would look at it as connected with France, a kingdom, as he agreed, so intimately connected with this country. What was the state of France at that time? There were not two parties, but two divisions of parties; and it did so happen, that in the whole of one party there was not a single man in the slightest degree tinged with popularity who had not pledged himself on the Spanish question. Supposing then, the present motion carried, and the hon. Gentlemen opposite in office, what would be the case as far as regarded France? One of two things must happen in that country. Either the more popular party would come into office in which case they would find a party in this country already pledged against the policy they were pledged to pursue, in which case the alliance so much prized by the right hon. Baronet, the Member for Tamworth went to the dogs; or the more unpopular party obtaining power, were linked and leagued, in the presence of the two countries, with the more unpopular party in this country obtaining power also. Could any man look at this state of things, calculating on the easily exciteable disposition of their neighbours, aroused as it would be by the great force of public opinion amongst the great bulk of the two people, by whom public opinion is formed—could any sober person look at this state of things without foreseeing that there might be—what there would very probably be—another great convulsion similar to that of 1830, and of which the consequence would extend as widely. So much for France; and, in the meantime, in Spain what would you be doing there? delivering up that country to a bigoted and persecuted priesthood, or an ignorant and sanguinary mob. On one side was the Inquisition, on the other the guillotine. "Withdraw," said hon. gentlemen, "and leave these two unhappy engines for human mischief to come into activity. Looking, then. at the state of Europe, of France, of Spain—and, what he was bound to look at more—looking at England and the honour of England, he would conclude by saying that if there was a motion it would be disgraceful to consent to or fatal to carry, it was the motion of the right hon. and gallant Gentleman.

Sir *H. Hardinge* said, the hon. Gentleman had entirely misrepresented his intention in bringing this question forward. He had carefully abstained from noticing any part of the military government, conceiving that that did not come within the scope of his motion. The House would recollect, that he had attributed the impolicy of the measures which had been adopted entirely to his Majesty's Ministers, and that he had altogether abstained from any military criticism on the conduct of General Evans. It was not for him, on such an occasion as the present, to impugn or defend the conduct of the hon. and gallant Officer; but he begged to add, that whenever the military conduct of General Evans was made the subject of discussion, he was ready to give his military opinion respecting it, as freely as he had already given his political reasons why he considered the longer continuance of the British Legion in Spain detrimental to the best interests of this country. His opinion, confirmed by that of Colonel Churchill, was, that such was the state of insubordination and demoralization of the Legion, that it was impossible to expect it could render any important service to the country whose interests it professed to vindicate.

Mr. *H. L. Bulwer* must repeat, he did think that in making a motion at this moment for the recal of the officers of the Legion the hon. and gallant Officer opposite was inflicting disgrace on them. He also thought, and he believed a similar opinion was entertained by the country, that the effect of the observations of the hon. and gallant Gentleman, as to the conduct of the officers under General Evans, was more or less to cast an imputation on the character of his hon. and gallant Friend.

Sir *R. Inglis* said, it appeared to him impossible for any man who could read or hear, to mistake the effect of the motion of his hon. and gallant Friend. If, as was alleged, it had reference to the recal of General Evans, it could only anticipate that event by a few days, inasmuch as, according to the communication of that hon. and gallant Officer to his constituents, it was his intention to be with them on the 10th of June. The object of his hon. and gallant Friend was to obtain the recal of the marines, and to pray his Majesty not to renew the Order in Council for the suspension of the Foreign Enlistment Act. Incidentally the motion of his hon.

and gallant Friend might have the effect of recalling General Evans, but nothing short of the blind partiality of the hon. Gentleman opposite could lead any one to suppose that the motion of his hon. and gallant Friend had that special object. The Tories were charged by the hon. Gentleman with being the enemies of the church of Rome in their own country, but its friends in every other country, because there it was allied with their beloved despotism. He begged to assure the hon. Gentleman that he entertained no such feeling. He supported the cause of Don Carlos because he considered his right indefeasible. The cause of Don Carlos was the cause of legitimacy, and that was the reason why the Tories were favourable to it; but they had no wish to interfere on behalf of Don Carlos. What they desired was, to leave the two parties to settle their differences as they could. The Tories would not support even the despot Don Carlos by spilling British blood on the shores of Spain. The hon. Gentleman did not hesitate to say, that the Tories would support the cause of despotism wherever they had the opportunity; and, as another instance of their disposition in this respect, he had referred to Poland. Now he was not an approver of the treatment which had been experienced by the Poles; on the contrary, he believed that the Poles were, of all the people in Europe, the most deeply injured. The hon. Gentleman had alluded to the courtly phrase of his hon. and gallant Friend, of which, with his diplomatic habits, he was doubtless a very competent judge; but perhaps the hon. Gentleman would excuse him if he suggested to him, that he might find it somewhat inconvenient if in some places out of this House—if in a foreign court, for example—when speaking of Don Miguel, he described him as the monster King. The hon. Gentleman should recollect that the individual to whom he thus referred had been recognised as King of Portugal by this country. If not by this country, he was by some of the other states of Europe. He believed himself to be the lawful sovereign; and as their King the people of Portugal allowed him to rule over them. He would then come to the main question, namely, what was a naval force? The noble Lord (Lord Palmerston) defined a naval force to be that, the principal part of whose operations was sustained by ships. Would it be denied that the great body of these men had been for weeks, he might say months, out of their ships? Could it be said that, in common parlance, they (the marines) came within the construction of the words "a naval force?" The support agreed by the treaty to be rendered to the Queen of Spain was limited to the supply of arms, ammunition, &c., and, if necessary, a naval force. From the returns it would be seen to what extent these supplies of arms had been carried; and the naval force was very considerable, looking at the number of men concerned, and still more from the moral influence of the name of England being attached to them. The question was, whether this country was at war or not? He put it to the House whether this was not an instance in which the King's troops had been engaged without an actual declaration of war. He would now state, as he had stated before, that this was an unauthorised war in which General Evans was engaged. He had stated this before, and if that gallant officer returned to this country crowned with victory, he should feel more satisfaction in raising the question of the principle involved in these operations. He would rather take the issue with the gallant Officer (General Evans) when he was successful than when he was unsuccessful. He held that no man was at liberty to enter into a war except by the command of his lawful superior. He held, as he had stated before, that the life of man was too precious, and that man's blood ought not to be shed, whether in private or in public, by nations or individuals, except by the command of their lawful superior. He did not make any statement in the absence of the hon. and gallant Member for Westminster which he had not made in his presence, and which he was not prepared to repeat. These were the reasons that induced him to concur in the motion of his hon. and gallant Friend. He believed that the great body of the people of England felt strongly the objections which he had urged. Yes; whatever might be the effect of momentary enthusiasm, he believed that the feeling of the great body of the people of England was, that the blood of Englishmen should not be shed in foreign quarrels in which the interests of England were not directly concerned.

Mr. *Ward* thought, that the debate

which had grown out of the motion of the hon. and gallant Officer (Sir H. Hardinge) might serve to illustrate, in a very forcible manner, the difficulties which must always attend the conduct of foreign affairs under any Government in this country. If the Government for the time being did not appear to interfere with the events over which they could not exercise any control, they were asked, as the right hon. Baronet, the Member for Tamworth, had asked the noble Lord, the Secretary for Foreign Affairs, why in France there was now no Government? as if it depended on his noble Friend (Lord Palmerston) to overcome the difficulties which prevented Louis Phillipe from forming a Government agreeably to the wishes of himself and the Chamber of Deputies. But if the Government of this country did interfere, then they were asked why there was no Government in Spain? and his noble Friend was made responsible, because the Government of the Queen of Spain had not obtained that success in a year which circumstances induced him to hope for. He was perfectly willing to admit, that the question before the House ought to be discussed in the most calm and dispassionate manner. Whatever might be the result of the discussion, the decision was one in which he conceived that our national character for consistency and honour was deeply involved. There was a great difference of opinion on the subject of our policy with regard to the Quadruple Alliance, and the hon. Baronet who had just sat down had expressed his opinion against that treaty. Many thought that that Act was unwise, unstatesmanlike, and uncalled for by the circumstances of Europe; but others thought, and he was one of them, that it was a wise, a statesmanlike, and a necessary Act, and one that was imperatively called for by the peculiar circumstances of this country. Whatever the opinions of individuals might be of the obligations of that Act, or of the narrowed and restricted sense in which it was sought to be interpreted, his opinion was, that this question ought not to be entertained at all by the House of Commons, unless upon grounds clear and conclusive, exempt from anything that partook of party spirit, and such as would leave no doubt on any reasonable mind, as to the motives which influenced the right hon. Gentleman in bringing forward this motion. It was with great pain and regret that he saw a question involving the highest national considerations mixed up in parts of the speech of the hon. and gallant Mover with matters of a merely personal nature, which were calculated to work upon feelings which ought not to be allowed to influence the opinion of the House. He wished this question to be argued in the calmest and most dispassionate tone. It must be admitted that it was not upon the treatment which the British Legion had met with, or the degree of success which had attended its operations against the Carlists, that the decision of the question should rest. It rested, as a national question, upon the nature of the obligations which we had entered into, and upon the question whether Great Britain was not bound to realise the hopes she held out to Spain, whether we could with honour or consistency, at this most critical period of the contest, withdraw from our pledge of co-operation? The amount and extent of this co-operation depended on the terms of the Quadruple Treaty. To many of the articles of that treaty a very different interpretation had been given; but if the House would allow him he would state shortly what he conceived to be the true objects of the treaty. The preamble of the treaty which was signed in 1834, stated the object of the treaty to be to compel Don Carlos and Don Miguel to withdraw from the Portuguese dominions, where, at that time, the infant Don Carlos had taken refuge, and where he formed a nucleus of a party combined against the authority of the recognised Queen of Spain. The preamble stated the motives which induced England to concur in the line of operation there pointed out; it was stated to be "in consideration of the interest which this country had always taken in the security of the Spanish monarchy, and our anxious desire to assist in the establishment of peace in the Peninsula and the rest of Europe." He would read the whole of the treaty if the hon. Gentleman opposite wished. It went on to state," "considering also the special obligations arising out of our ancient treaties with Portugal." This had nothing to do with Don Carlos. Don Carlos was now dangerous to the order of things recognised in Spain, as Don Miguel was at that time in Portugal. They were both included in the same article. In pursuance of this treaty, the Spanish troops under General Rodil were sent into the Portuguese territories; they drove Don Carlos to the shores of the ocean, and compelled him to seek refuge on board of a British man-of-war. He thought that it was a great want of prudence and foresight that they did not bind Don Carlos by express stipulations before they gave him refuge. As it was, he believed that no engagement was entered into with him before he was received on board of the British vessel: he took refuge in this country, and after passing a fortnight here he took the shortest road to the Basque provinces to renew his endeavours to shake the Thrones of Spain and Portugal. Under these circumstances, there was an additional article agreed to. The preamble to the additional articles stated, that the "contracting parties having taken into their serious consideration the recent events (that was the passing of Don Carlos into Spain), and being deeply impressed with the conviction, that in this new state of things new means were thought necessary for effecting the objects of the treaty, they therefore included them in these additional articles." The additional articles were known to everybody, they were more recent, and had been more canvassed, and were in the hands of every Member; and the only question was, whether the construction put by the Government on the words "naval force" was or was not the correct interpretation. What was their position at this moment? The Queen of Spain was recognised by this country—her title was admitted last night to be incontestible by the hon. Baronet, (Sir S. Canning). That honourable Baronet had the best possible means of ascertaining what were the feelings of the majority of the people of Spain. The Queen of Spain was supported by nine-tenths of the Spanish people and by the Cortes, and the only party by whom she was opposed was the remaining tenth, at the head of whom was Don Carlos. The hon. Baronet asked whether we were at war with Don Carlos or not? We could not be at war with Don Carlos, because he was merely a pretender. But we were bound by the treaty to co-operate with the Queen of Spain against him as if he were actually at war with this country. It was just as much as if Don Carlos was actually an independent sovereign, and as if he had declared war against this country. In his view of the case, the Quadruple Treaty pledged us as distinctly and positively to the exclusion of Don Carlos from the Basque provinces as from the territory of Portugal. It might not do so in exact words, but it did in spirit. He would ask whether it did not exclude Don Carlos from the Throne of Spain, and whether it did not render it incumbent on us to put a stop to the civil war in that country. It seemed to him that the hon. Members opposite were anxious to put this question to the test of success. He admitted that success was essential; it influenced men's judgments, whether it influenced their consciences or not; and there could not be a better proof of this than the conduct of the party opposite on this very question. He asked them, why was not the policy of the Government with regard to Spain made the subject of complaint during the present Session till now? He asked, in what material point the line of policy pursued in consequence of the Quadruple Alliance was changed, so as to cause the present motion. There were precisely the same grounds for the motion. They had been threatened with it during the whole of the recess; they had heard nothing but denunciations of the policy of the noble Lord from every organ of the Conservatives. They had been told up to the first day of the Session of the expensive mode of intervention, of the neglect of British interests, and of the incapacity of the noble Lord, the Secretary for Foreign Affairs. What was the result of all this? It happened, that three days before the meeting of Parliament intelligence was received of a victory gained by the combined forces of the Queen of Spain and the British Legion. And so great was the re-action which attended the receipt of this intelligence, and so great was the interest excited in the public mind by the gallantry of our fellow-countrymen in Spain, that the right hon. Baronet, the Member for Tamworth, feeling that the moment was very unpropitious for such a discussion, quelled some little symptoms of insubordination, and availed himself of the very first opportunity that the forms of the House allowed to express his admiration of the conduct and gallantry of the brave men who had successfully defended Bilboa. The hon. Member for Sandwich (Mr. Grove Price) and the hon. and learned Member for Oxford (Mr. Maclean), of whose devotion to the cause of absolutism there could not be the least doubt, submitted in silence to the course pursued by the right hon. Baronet, the Member for Tamworth. He would ask, what prevented the right hon. and gallant Officer from bringing forward this motion on that occasion, and what encouraged him to do so now? The simple fact was, that success no longer beamed so decisively on the cause of liberty in the Peninsula. This was the first time that he had heard in the British House of Parliament that a fair ground for abandoning an ally was, that he was unfortunate. He had heard often the opposite argument used. He had heard the misfortunes of those with whom we were in alliance stated and never unsuccessfully, as a plea for additional struggles and exertion on our part. It was reserved for the right hon. and gallant officer (Sir H. Hardinge) to reverse this, and to make the want of success a plea for shamefully abandoning the engagements to which we were solemnly bound by treaty. But he begged to ask what this want of success consisted of? He might ask whether such a defeat had been sustained by the Legion as to disable them from taking part in the contest. [Sir *H. Hardinge* "Yes"]? The hon. and gallant Officer said "yes;" he doubted this. After three days' hard fighting — after most gallantly carrying a position, defended by, he admitted, gallant men likewise—after carrying this position, they found that from the want of co-operation on the part of General Saarsfield, which they were entitled to expect, and when the Carlists brought overwhelming numbers to bear on them, he begged to repeat, after sustaining a conflict of three days, they were compelled to retire. He did not dispute that the loss on both sides was nearly equal. But he would ask whether General Evans himself had attempted to disguise his losses? Had he not in the most candid manner revealed the whole state of the case to the country. And yet was it not this very moment that an old brother Officer in arms had chosen to throw impediments in his way, and to cast the weight of his authority in military matters in the scale against him? The right hon. and gallant officer opposite, he thought, could not deny that he had—in measured terms, he admitted—thrown the weight of his name and opinion in the scale against General Evans, and pronounced to the country that the Legion could not be successful, and that nothing but disgrace and defeat attended them. When stating his reasons why British honour would not allow of the continuance of our co-operation in Spain, the right hon. and gallant Gentleman referred to the atrocities which had been committed in the course of the present disastrous warfare. He deeply regretted those atrocities; he wished from his heart that they had been avoided; but, at the same time, he must remind the House that he had the authority of the right hon. and gallant Gentleman himself for stating, that the guilt of such proceedings was almost equal on both sides. This being the case, he would ask, in common fairness, why appeal to the massacres which had been committed as arguments against one of the parties in this contest, when such arguments would apply with at least equal force against the other? If Cabrera's mother were murdered, had not her son revenged her death upon thirty innocent females, who expiated with their blood that atrocious murder? Were not instances of a like kind before them in abundance? And if so, what justice was there, when the guilt was equally shared between the two parties in stigmatising the one in order to bespeak favour for the other? With respect to the claims of Don Carlos, and the manner in which he vindicated them, let it be borne in mind that he had never once dared to openly face the Legion. In this, for he knew something of Don Carlos, that individual had only pursued the line of policy which had ever marked his career. In the time of the late King of Spain he believed that Don Carlos had secretly countenanced and fomented every plot which had manifested itself against the reigning Sovereign, though he kept himself in the back ground, in order to shrink from the public avowal and consequences of his sedition. For the future, he believed that if Don Carlos were to succeed to-morrow, the first act of his home policy would be to re-establish the Inquisition, and of his foreign policy to give to Russia such an ascendancy in the Peninsula as must prove very formidable to this country, coupled with that which Russia had already acquired in other parts of Europe. Now, this was a result which he did not wish to see brought about, and therefore it was, that he believed that England would be best consulting her own interests, as well as the dictates of humanity, by persevering in the line of conduct she had already taken up. The hon. Member for Oxford wanted Government to withdraw the Legion, and to leave the two contending parties to fight out their disputes without any assistance from this country. Did the hon. Members think that in such a course they would be promoting the cause of humanity? He really could not understand how the hon. Member could make out that position to the satisfaction of the House, and he wished he would explain his views upon the subject a little clearer than they appeared to him at present. The hon. Member afterwards went on to deprecate the fatal system of reprisals which had been carried on between the two contending parties. These reprisals he sincerely deprecated, but he would ask whether they were without precedent in the history even of our own country? Let them look at our own conduct in the civil contest which was carried on during the latter part of the last century, and he feared that they would find but too complete a parallel for the atrocities committed in Spain at the present moment in the proceedings of the Irish rebellion. If he were not mistaken, also, the Duke of Wellington himself in the early part of the Peninsular war held a correspondence with Marshal Soult, in which he threatened reprisals upon the French in consequence of the barbarous massacres which were perpetrated by the latter upon their prisoners ["*No, no*"]. He thought he was not mistaken in what he stated, but however that might be, he made the statement not with any view to disparage the high character of that great commander; on the contrary, he did not think it at all derogatory to his honour, he thought it might be justified by the necessity of the case, and he only adduced the fact as an evidence how difficult it was, under certain circumstances, to avoid apparent cruelties of this sort. He believed that the only hope which there was of terminating these atrocities, and with them the contest now waging in Spain, was to continue our present policy. He believed, moreover, that it was for the true interests of England that a strong and stable Government should be established in Spain, and such a government he was convinced could only be based upon liberal principles. The hon. Gentleman opposite inquired for what they were contending in Spain? He answered, for British interests in the Peninsula, and for the promotion of our trade there, by restoring that great country once more to the position which she was entitled to hold in Europe. Upon these grounds he should give his most cordial support to his Majesty's Government in resisting the present motion.

Lord *Mahon* spoke as follows:*—On several former occasions, when I thought it my duty to bring forward Spanish affairs, I avoided taking the sense of the House upon them. I felt unwilling to call for a decision on a subject on which the interest of the House and of the country was not yet thoroughly awakened. But, Sir, this forbearance has now attained its utmost limit. When we see defeat and disaster stare us in the face,—when the fate so long reserved to our enemies has at length overtaken British soldiers,—when the term of "British fugitives," hitherto almost a contradiction in terms, may be truly applied,—then, Sir, it becomes our duty to ascertain whether this House will really sanction, by a vote, a repetition of this nefarious policy and deplorable result. I rejoice, therefore, to hear that, on the present occasion, the subject will be pushed to a division. I rejoice, also, to see the manner in which the question has been brought forward by my right hon. and gallant Friend (Sir H. Hardinge). We have here an officer, foremost in the ranks of his profession,—whose life has been so often hazarded in his country's service—whose conduct has contributed to the gaining of glorious battles,—come forward, with the same zeal as he displayed at Albuero and at Waterloo, to vindicate his country's honour, and clear his country's standard from the foul stain that now rests upon it. He was seconded by a right hon. Gentleman (Sir Stratford Canning), whose public services and diplomatic experience must give the greatest weight to his opinion on foreign affairs, and whose words come recommended by a name that once could awaken the warmest sympathy of the House,—the name of Canning. That was a name to which the noble Lord opposite was, at one time, at least, not indifferent. Does the House wish to hear the opinion of Mr. Canning on the point before it? Does it not wish to hear the policy that he approved with reference to this very subject? In his speech in reply, on the 12th of December, 1826, Mr. Canning spoke as follows: and I would ask the House if it do not most accurately describe the circumstances of the present case?—

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* From a corrected report.

> "It has been suggested, Sir, that we should, at once, ship off the Spanish refugees in this country to Spain; and that we should, by the repeal of the Foreign Enlistment Act, let loose into the contest all the ardent and irregular spirits of the country. Sir, this is the very suggestion which I have anticipated with apprehension in the present unquiet state of men's minds in Europe. All such expedients I disclaim, and I deplore and dread the employment of them."

These were the words of Mr. Canning. Oh, Sir, if it had pleased Providence to prolong the life of that gifted man, with what feelings would he have contemplated the proceedings of the present day! How rejoiced would he have been to see his policy worthily maintained by his own relative! but what pain would also have been his, to find the noble Lord, who was once his follower in public, and his friend in private, life, now acting against almost every one of his maxims of either foreign or domestic policy!

The hon. Member for Mary-le-bone has asked my right hon. and gallant Friend, why he brought forward this motion now?—why he did not wait till the 10th of June, when the soldiers of the British Legion would be here, and, if it were desired, could give their testimony upon the matter? Now, can it be possible, that the hon. Member for Mary-le-bone, when he made this remark, had even heard the motion of my right hon. and gallant Friend? Why, the precise object of the motion is to give the House an opportunity of seeing the officers and soldiers of the Legion on the 10th of June; and, to effect that, it has been moved, that the Order in Council, permitting their engagement in the Spanish service, shall not be renewed. If the motion had not been made, there is no doubt but that the suspension of the Foreign Enlistment Act would be continued; and then, instead of returning home on the 10th of June, we should not, perhaps, see them for the next ten years. Without any disrespect for the hon. Member, I must say, that I did not expect to hear an observation so utterly without point or meaning, fall from a Gentleman of his abilities.

The first part of the motion before us is against the renewal of the Order in Council for the Auxiliary Legion. I have always considered the employment of such a force as the Auxiliary Legion discreditable to this country, had it even been conducted with skill, and attended with success. Such a force has always appeared to me a renewal of the system of mercenaries. I distinctly explained at the time I first used that phrase, and I repeat it now, that I do not mean, by the title of "mercenaries," that the soldiers enlist from mercenary motives. I most readily admit, that the motives of the officers and soldiers are honourable: love of enterprise, and zeal for action, are praiseworthy in soldiers; a desire of promotion is also natural and laudable, and it must be very agreeable to some lieutenant or ensign in his Majesty's service to find himself at once made a general or so in the Auxiliary Legion. It is very natural to accept the advantage, if offered. I made no attack upon the soldiers when present, and I should be still more sorry to do so in their absence. But I do say, that the position in which his Majesty has placed them, is that of soldiers enlisting in a body in a foreign service, as practised in the dark ages, and known at that time by the name of mercenary bands. Now, Sir, of this system, I say that it is utterly unworthy of a civilised or a Christian country. I admit, that precedents may be drawn for it from darker ages, when valour and prowess were considered the only avenues to honour,—when bloodshed was thought—not, as now, a necessary evil, but—the only glorious employment. War was then considered so good a thing, that it could not come amiss in any shape; and when one's own country did not afford it, a body of men would enlist under any other banner, and go abroad in quest of plunder. Such was the feeling of the time. But it is precisely in the progress of humanity, that we so greatly surpass our forefathers. Are we to revive this system? Why, Sir, I should just as soon expect to see the laws against witchcraft, the thumb-screw and the rack, the forest laws, or the old penal code, revived, as a system which, in my opinion, is not at all inferior in barbarity to any of those I have named. How does this renewal stand in contrast with the advance of Christian principles amongst those who should be imbued with its mild and merciful spirit! How should we repudiate that system of warfare which reckons the blood of foreigners as of no weight in the scale, and which sends forth all those "ardent and irregular spirits," as Mr. Canning called them, to enlist and fight under the banners of strangers on any shore!

But further, Sir, I deny that, as the noble Lord told us on a former occasion, precedents are to be found for this system in what is justly called the glorious reign of Queen Elizabeth. It was then a question of fair and open war. For the greater part of that reign, Philip of Spain was her deadly enemy. An armada against us was for many years concerting in his councils or equipping in his harbours. Wherever, therefore, that enemy could be found, it was our duty and interest to strike him. And the Englishmen who enlisted in the service of the Dutch were still fighting in the cause of England. The English who fought in the Dutch ranks at Zutphen were as much engaged in the service of their country as Drake, when he rifled the galleons, or Effingham, when he arrested the armada. But is this the case now? Have we any quarrel with Don Carlos and his claims, or with Biscay and her freedom? Away, then, with such pretences; nor let the glorious reign of Elizabeth be sullied with cloaking over the misdeeds of the present time!

The hon. Member, the Secretary to the Admiralty, has instanced the case of Nelson at Corsica, and of Sir Sydney Smith at Acre, as forming precedents; but, on both occasions, this country was actually and avowedly at war, while, in the present instance, that fact is wanting. I may say, that the whole affair strongly reminds me of the story of the play of Hamlet, with the part of Hamlet omitted, "by particular desire!" In the same manner, in the proceedings of Government, war has been enacted, the rather important part of declaration of war being left out. The only remaining question now before the House, therefore, is this—whether the course which his Majesty's Government have pursued in regard to Spanish affairs is justified by the Treaty of Quadruple Alliance? If it be so justified, then I admit that it would be unfair for us to find fault with his Majesty's Ministers for what they have done, or interfere, in any way, for the purpose of preventing the fulfilment of that treaty. But, in order to consider this, the House must recollect the circumstance under which that treaty was concluded. It is well known that, at that time, Don Miguel and Don Carlos were in arms together; the first against that government of Portugal which we had recognised, and the other as his friend, confederate, and ally. Under these circumstances, it was the course of his Majesty's Government, considering the relation in which Portugal stood, bound with this country by treaty, to interfere for the purpose of putting an end to the civil war—and then were enacted the provisions of the Quadruple Alliance, stipulating the removal of Don Miguel and Don Carlos from Portugal. From Portugal, be it remembered, and not from the Peninsula; for I contend, that the Quadruple Treaty referred to Portugal only: it is only in the preamble that any mention at all of Spain is made. Well, the treaty was signed and ratified; and I wish the House to observe this important consequence,—a fact which the hon. Member for St. Alban's ought not to have overlooked,—that that treaty received its completion, and was crowned with the fullest success, long before the additional articles were signed. In consequence of the interference of England, Don Miguel went to Italy, and Don Carlos came to this country, and the objects which the treaty had in view were thus completely realised. But, in the meanwhile, some important changes had taken place in the administration of this country. Lord Grey's government was dissolved, and new principles were adopted by the Cabinet which succeeded it. Additional articles to the Quadruple Treaty were then prepared, and in the August following they were signed. Now, it will be found, that all the proceedings of the noble Lord, the Secretary for Foreign Affairs, have been founded on the additional articles, and not on the Treaty of Quadruple Alliance. I wish the House, therefore, to observe, that all the steps that we are now taking, are founded on the additional articles, and not on the Quadruple Treaty itself. These articles impose on us the obligation of affording naval co-operation to the Queen of Spain, if necessary. But what was the object of that stipulation? The object was twofold,—first, that if Don Carlos had a fleet, or should acquire one, it should be opposed by a naval force from England;—secondly, to prevent, by sea, supplies from reaching the camp of the Pretender. But Don Carlos had no fleet, and, therefore, the assistance the treaty imposed upon the Government of this country was confined to the second object; that is, to prevent the landing of any supplies or succours for the service of Don Carlos. The King of the French engaged, in the same articles, and in the same spirit, to stop supplies reaching Don Carlos by land; and his Majesty the King of England engaged, on his part, that succours should not be supplied to him by sea. Just so much as the King of the French was bound to assist by land, so much, and no more, was the King of England bound, by the treaty, to assist by sea: this, I contend, is the true interpretation of the treaty. I hope it will be admitted, that I do not speak without sufficient grounds for making such an assertion, when I say, that this was the meaning which the Duke of Wellington, when he was in office in 1835, put upon the additional articles. This was the sense in which he understood this treaty, and the sense in which he was ready to carry the additional articles into execution. I repeat, that it was in this sense, and in no other, that the Duke of Wellington and the Foreign Office acted, and were prepared to act, with reference to the provisions of the Quadruple Treaty.

Now, Sir, if this be the true interpretation of the treaty,—if the co-operation of England was to be limited to an attack upon the fleet of Don Carlos, if at any time he should acquire a naval force, or any other Powers should supply him with one,—if the co-operation of England was limited to this species of intervention—of course I do not mean now to refer to the supply of stores—if this was to be the whole extent of naval co-operation, I will appeal to the House to say how far the additional articles have been stretched and distorted. Now, if it be so agreeable to the country to continue spending its wealth in Spain, or to send out men to hazard their lives in this *bellum plusquam civile*—I would say, go on; but if it be asserted that we do this because the treaty compels us,—if the advocates of the policy of his Majesty's Government say, "We are very sorry, but we are obliged to continue this contest; we find it very expensive, and the loss of life unquestionably very great, but the treaty positively binds us;"—if this be the excuse put forward, I must say, that it is high time to examine whether the Quadruple Treaty does compel us to act in this manner. I, for one, distinctly maintain that it does not. If it be contended that it is of such importance to England to continue this career of sacrifices—that it is of so much importance to the interests of the country that fresh men should be sent out to Spain, and another half million of money squandered, that is an argument which I can understand; but let it not be said, that the necessity of this interference is forced upon us. The hon. Members who sit on this side of the House, have always shown a most anxious desire to adhere to any treaties which this country may have entered into with any foreign power. I do not deny that this treaty is binding upon the country, far from it; but I am not willing to attach to it that interpretation which the noble Lord has given to it, and which, in my opinion, far exceeds its fair construction. I ask the noble Lord, can he show me one word in the treaty to justify the employment of 10,000 British soldiers in Spain? What is there in the treaty to justify the loss we have now to deplore? I took the liberty, on a former occasion, of putting a question to the noble Lord, to which, however, the noble Lord—owing, no doubt, to the multiplicity of points stirred in that debate—returned no answer. I will, therefore, again ask the noble Lord, what is his interpretation of the additional articles with regard to these two points—time and expense? If the war were to continue for twenty years, are we to be bound by the stipulations of the Quadruple Treaty to furnish stores; or suppose that the Queen of Spain required stores, not to the amount of half a million of money, but of 20,000,000*l.*, are we bound by the treaty to supply them? In short, is the treaty limited or unlimited? This is a point which I think deserves the consideration of the House. Let hon. Members reflect on the immense national interests which are confided to their vigilance, and whether the treaty and its interpretation are to depend upon the single opinion of the noble Lord?

I have now stated to the House the view I take of this treaty, which was also the view of the Duke of Wellington upon this subject. Granting that the treaty was binding upon the Government of this country, and that it was drawn in the strongest possible terms, it does not follow that it was binding upon us to that extent and that degree upon which the noble Lord insists. I wish that the honest intention of the treaty should be acted up to; and it is far from my wish that this country should shrink from any contract into which she has, however improvidently, entered; but I cannot see that the extent of co-operation, which his Majesty's Government has afforded, was at all borne out, or justified, by the treaty.

The House will, perhaps, now allow me to say a few words on the military part of the question. The hon. Member for St. Alban's (Mr. Ward) stated, that he believed that the Duke of Wellington, in the beginning of the Peninsular war, had sent a letter, threatening to shoot the French prisoners, if the French general did not adopt a particular course of proceeding. Now, I believe that the case intended to be referred to is that of the *ordinanza* of Portugal, who acted as a sort of militia, but whom the French treated with the utmost barbarity, as insurgents and peasants in arms, putting many of them to death in cold blood. The Duke of Wellington maintained that they ought to be treated like soldiers, which they undoubtedly were; and, in order to secure this result, he wrote to Marshal Soult, desiring that they might be treated according to civilised warfare: but I believe I can positively affirm, that the letter of the Duke of Wellington contained no threat of any kind; and, therefore, the hon. Member for St. Alban's was quite erroneous in his statement. So far from that being the case, the Duke of Wellington offered rewards, by proclamation, for such French soldiers as had their lives preserved by the Portuguese peasantry, and were brought to his head-quarters. Such was the conduct of the Duke of Wellington. I must here remark, that the observations of the hon. Member for Marylebone (Mr. Bulwer), were not warranted in ascribing any degree of asperity to the observations which have been made on this side of the House, as to the military capacity or incapacity of General Evans. I feel bound to say that, on the contrary, the most honourable forbearance has been manifested, in his absence, by Members on this side of the House, throughout the whole of the debate. I am far from saying that his late disasters and failure are owing to his fault; but I must, at the same time, declare, that the late defeat of the Legion is an event which all men must deplore, as a stain upon the British arms; and I fear that this fact will be quoted against us for many years to come. The people of Biscay will not make nice distinctions respecting the particular conditions under which foreign troops are arrayed in arms against them on their own soil; they will not consider whether the Legion came out to Spain under the Order in Council, or with the sanction of the King of England; they will not inquire if the General commanding them was appointed in Madrid or in London: they will only say, "They were Englishmen, and we defeated them." If we look to the details of the action, which were transmitted to Madrid by the Spanish commissioner, Lujas, it will be found that there is a confession of very considerable loss; and this admission is of no small importance, for the House will remember, that it is no slight cause which ever calls upon Spaniards to admit a loss. I remember a remarkable instance of this, in reference to one of the victories gained by the Carlists,—I think it was the second battle of Vittoria, when the Queen's troops were driven back with the loss of baggage and artillery. I had the curiosity to refer to the Spanish official report of this battle; and, notwithstanding the result was notorious to every one, I was surprised to find that the official accounts did not even admit the least repulse, but stated that the Queen's troops had "immortalised themselves by a most glorious retreat!" But, "as the distance was very long, and the roads very rough, they had left behind them all their artillery and baggage;" and, as far as I can recollect, the official report went on to say, that "this circumstance would happily afford the troops an opportunity of moving forward with increased celerity and freedom from incumbrance, which they would doubtless exhibit upon the next grand combined attack," which was promised—positively promised—for the last time, as they say upon the stage, to be made from Vittoria. I lament the policy of the noble Lord, for in it I see nothing but British disgrace; disgrace in that very country which has produced the brightest laurels that British hands have ever gathered, or British brows have ever worn. I will not enter into the character and liberties of the Basque people, for that has been already spoken of by my hon. Friend the Member for Oxford, this evening. But it appears that there are two objects for which the Basques are now contending. For one of them, I must express my sympathy. One is the establishment of Don Carlos on the throne of Spain,—for that I feel no sympathy; the other, the maintenance of their own liberties,—for which I entertain the strongest interest: and I must say, that a warm interest in their liberties is perfectly consistent with an utter absence of feeling for Don Carlos. There is another argument which has been employed by the hon. and learned Member for Kilkenny (Mr. O'Connell). If, said the hon. and learned Gentleman, you disclaim all sympathy with Don Carlos, and yet support this Motion, you will vote with some Gentlemen who have expressed strong feelings in his favour. Now, I would remind the hon. and learned Gentleman, that my object, on this occasion, is to check the effusion of blood. Why, then, are we not to obtain the assistance, for that object, of those who entertain different views from ours with respect to the claim of Don Carlos? But, moreover, I think that, of all men whom we might have expected to urge such an objection, the hon. and learned Member for Kilkenny is the very last. Are there not hon. Members who have declared, that they would risk even a civil war, rather than grant the repeal of the union with Ireland? And are there not many, now closely confederated with them, who have openly declared, that they would never renounce urging and pressing that repeal? Is it not strange, then, that the hon. and learned Member, whose whole political position ought constantly to remind him of this fact, should be the first to taunt hon. Members on this side of the House with differences of opinion? But we do not rest our vindication on this ground: we have a better defence than recrimination. We blame the conduct of the right hon. Gentlemen opposite for their unnatural alliance: and as for us, we declare that, having no sympathy with Don Carlos, but hoping to put an end to the exasperation of war, we do not see why the whole House might not, on that point, come to the same decision.

I do not know that I have any other observations with which I need trouble the House, especially as, on a recent occasion, I entered so fully into the subject; but I will say that, if ever there was an opportunity on which I should imagine that men of all parties might meet together with common views, for the purpose of combining their endeavours to stop the effusion of blood, and the wanton waste of human life, this is that occasion. No part of the duty of a Legislator can be more advantageous to the public, or so delightful to himself. It is on this principle that I hope to co-operate with the noble Lord, the Secretary for the Home Department, in mitigating the severity of the penal code; it is on this principle that I support the cause of the factory children; it is on this principle I formerly had the honour to bear my part in the Convention of Lord Eliot; and it is on this principle that I now call upon the House to guard the lives of our brave soldiers and marines, until those lives are required for the service of their own country; and I entreat the House, by their vote this evening, to guard the British name from being tarnished, and the British blood from being shed.

Mr. *Ward* rose to explain, in consequence of some of the arguments which had fallen from the noble Lord opposite. He begged to recal the attention of the House to what he had said. He had not cast any imputation on the Duke of Wellington. He had said, indeed, that even in civilised warfare there might be cases in which the *lex talionis* was justifiable, and that it had been pressed upon the Duke of Wellington in the course of the Peninsular war, in order to compel the French marshals to recognise certain principles of honourable warfare. He meant to cast no sort of reflection whatever on his conduct.

Dr. *Lushington* observed, that the right hon. Gentleman opposite had maintained that our interference in the cause of the Queen and Constitution of Spain was not authorised in any way by the Quadruple Treaty. He rose to address a few words to the House, because they might be induced, by the arguments of the right hon. and gallant Officer, and of the noble Lord, to believe that the interpretation which had been put upon that treaty had not been such as was consistent with the true spirit and just construction of that treaty. He felt some surprise when the noble Lord stated, that the Duke of Wellington had put the narrowest construction upon the terms of that treaty, but he was not aware that his Grace, to whose opinion he paid the greatest deference, had given that opinion upon a cool consideration of the treaty, nor was he aware that his Grace had ever given an opinion that the treaty would not bear any other interpretation. He admitted that it was to the additional articles that more particular attention ought to be paid; but there were some passages in the treaty itself which it was important well to weigh and consider, for the purpose of obtaining a clear and satisfactory exposition of the additional articles. They could not read the preamble without perceiving that the contracting parties to that treaty had fully before their eyes the particular facts of the case, and more especially the circumstance that Don Carlos attracted to himself the rebellious and disaffected subjects of Spain. That treaty was not entered into merely for the purpose of tranquillizing Portugal, but in consequence of the general state of political affairs in the Peninsula, and in consequence of the peculiar relations in which Spain was then placed with regard to Portugal. For all these objects the treaty was framed, and also for the additional and corroborative, but not the sole, reason, that former treaties had closely connected England and Portugal. Let the House mark the object and the circumstances of this treaty: at the very time Don Carlos and Don Miguel were within the Portuguese territory, and it was to expel them that that treaty and the additional articles were framed; but the leading motive was to establish peace in both Spain and Portugal. In order to attain that object, it was specially provided that Great Britain should co-operate with the armies of Spain and Portugal with a naval force. Mark, then, the intent of the treaty, and see what construction it bore. The object was to prevent Don Carlos from acquiring supreme power in Spain. Then came the article which was called by a mistake the corresponding article, applicable to France. They were told that the best mode of interpretation was to refer to the article of France, but he trusted he should be able to overthrow this argument. If the intention had been the blockade of the coasts merely, why was not that fact expressed by the contracting parties? Now, so far from the two articles which regarded England and France being corresponding articles, they were wholly different in their terms and application. In the one case, France was bound to prevent the transport of stores, &c., across her frontier into Spain; in the other, England was bound to prevent Carlos from seizing the throne of Spain, by sending into her ports such arms, ammunition, &c., as might be desired by the Queen. In the one case there was an active obligation on the part of Great Britain, and a passive obligation on the kingdom of France. Then followed the obligation of England to assist, if necessary, with a naval force. Then the doubt was raised as to the extent of operations of the naval force. He would ask, how were they to try the feeling of the contracting parties as to their intent?—because by the intent the treaty ought to be construed and fulfilled. He humbly apprehended that one thing was clear, that the parties did not mean that the British fleet was likely to meet that of Don Carlos—that they did not mean to carry on war on the high seas. That was not the object; but the object was, a naval warfare along the coast. Was it, or was it not, the universal custom of Great Britain, in all such cases, to resort to naval warfare? He would ask, what was to be the criterion of the assistance to be given, but that which was used when they conducted a naval force along a line of coast in co-operation with a land force? If they fell short of it, in what respect were they to fall short of it? But he would say it was precisely the same as if they were acting with a military force in Spain in concert with our navy. It was vain to talk of precedents, and he defied any one to produce a single case in which a British force had been employed on a coast in which they were not similarly exercised. It was said, that there had not, indeed, been a declaration of war made in *The Gazette.* Nor was there. But let the House see what was the bearing of the question. Was it not just as much an act of war to blockade the ports of Spain and to prevent supplies entering them, as to land troops and assail the town? Was not this just as much an act of war as any that could be conceived? Of all the fanciful mistakes that had ever yet been made, was that made by those who said that they were to assist the Queen of Spain with a naval force. If they were to assist by a naval force, it meant nothing more nor less than that a naval force should do that which it had ever done and been accustomed to do. Now he would take leave of this argument with one observation, namely, that without reference to the policy of the question, Great Britain was bound to do no more than to perform those solemn obligations which honour and honesty called upon her to regard; and to do this according to the true meaning of the contracting parties, and to adopt that course which she was asked to do. He would say, that if, on the contrary, they should withdraw their force, under the pretence of having exceeded the obligations of the treaty, let them recollect that they had made a solemn compact with an ally, by which they were bound to the terms of the treaty. But he would say, they would not perform the solemn compact made with France, Spain, and Portugal, not by openly overcoming that compact by an avowed act, but they would be guilty of a base, a pitiful, a disgraceful abandonment of the most solemn obligations. It was his humble hope, that whether these treaties had been entered into by this country in conformity with the just views of policy or not, still it must ever be the policy of this country, as it ought to be and was its proudest boast, to observe those treaties fully. Instead of confining herself to narrow limits, it would be her boast honestly to effect the great object for which the treaty was intended. England was bound to put a large construction on the treaty, because it was a treaty by which Great Britain undertook to perform a certain compact. The universal law of nations demanded that we should carry the treaty to its fullest extent. The right hon. and gallant Officer who had introduced this motion, had submitted to the consideration of the House the propriety of desiring his Majesty not to renew the Order in Council by the provisions of which British troops were serving in Spain, and were exempted from the operations of the whole of the provisions contained in the Foreign Enlistment Act. The Enlistment of persons into foreign service had been common amongst Englishmen at all times, and there were few instances of persons being prosecuted for serving foreign countries. Down to the time of Charles 2nd, there were two precedents; subsequently to that period came certain statutes of George 2nd; then came the Foreign Enlistment Bill. Now that Act ought not to be thrown entirely out of consideration. The Foreign Enlistment Act, however, was not of the character which had been stated. Four articles were introduced into it in 1814, as applicable to the case of Spain, which were such as to deserve the severest opprobrium. Within three or four years after this period, proclamations were issued in South America, calling upon the inhabitants to resist the power of Spain. In 1819, the Parliament declared it to be fitting that his Majesty's subjects should be permitted to serve in the South American States. So far as the principle went the Foreign Enlistment Bill had been recognised, but it had been found extremely difficult to carry it into effect. The House of Commons had twice consented to repeal it, but the House of Lords would not agree, and it consequently still remained the law of the land; but certainly no government had hitherto ventured to take such steps as Don Carlos had done, with respect to troops employed on foreign service. It was well understood, and would be readily allowed by those who had had experience in these cases, that no one thing should be imagined so impossible, as to carry into full effect the provisions of the Foreign Enlistment Act. It had been universally allowed by all who, in their professional capacities, had been compelled to turn their attention to these questions, that it was always matter of the utmost difficulty to deal with cases in which it was meant to apply the provisions of that statute. It so happened, for example, that, in the last war with the United States of America, one of our frigates, which had been most gallantly defended, by all that skill and courage could do, was compelled to strike to an enemy's ship of superior force. On board of the frigate by which she was captured, there were found between seventy and eighty sailors, who in former years had been of the number of those who had manned the fleets of Great Britain. On a subsequent occasion, some of these men were taken prisoners of war in a successful action against the enemy, by one of our ships; they had been entered by their names, as runaways, on the books of the Admiralty. It also happened that their case was brought under the consideration of the Government of that day, and that Government never entertained the remotest notion that they could bring these men to the scaffold, on account of their having entered the American service. Undoubtedly, however, if they could have done so, they would have proceeded to that extremity, and would have been justified in doing so, on account of these men having been engaged in the cause of a power with which we were at war. With regard to the question, what was to be done with the troops of the British Legion when they left Spain, he would say, let them be lodged in the hospital at Plymouth, and they would be taken care of. Another argument was, it was impolitic and cruel to expose British subjects to such barbarity in a foreign country, and that care should have been taken to prevent such scenes as had occurred. And who had been the author of these barbarities? Don Carlos, who had declared that when a British force arrived on the confines of Spain every one that fell into his hands should be destroyed. The best way, however, to counteract that, was to send such a force to that country as would be able to prevent him carrying his threats into execution. Success would have consecrated such a step as a precedent. The British Government had the power to prevent the execution of such threats, and it ought to have said to Don Carlos, yield you must to our determination, because we have the power to carry it into effect. He considered the existence of the present Government depended on the rejection or adoption of the motion by a reformed Parliament of Great Britain. He did not suppose a reformed Parliament would abandon the great principles on which they had hitherto acted. He would say, if a reformed Parliament of Great Britain, who had hitherto advocated the cause of freedom and liberty, should abandon their position, and no longer stand first and foremost in encouraging an example of resistance to despots and tyrants, and of spreading in every direction these blessings to other nations that were willing to accept them, then they would hear, on the announcement of the news, that bonfires were lighted up at St. Petersburg, in the capital of the despot almost equally opposed by all parties in the House, and who had hitherto been prevented from extending his gigantic power only by the union of the western free states to resist him and his brother allies. But the right hon. and gallant Gentleman said, the feelings of the people of England were opposed to such interference, because they did not wish to see the blood of England shed in a cause foreign to their feelings. Now, he could say safely that he had twenty constituents to one as compared with those of the gallant Officer; and so far from fearing to face his constituents on account of the course he had pursued that night, he would glory in the declaration; and he had undoubted confidence that so far from his constituents not sanctioning that course, they felt deeply as he felt, and they felt honestly, too, that Great Britain was the great bulwark in the cause of freedom over the world; and if they deserted that cause which they had hitherto gallantly defended, they would give way to tyrants, and yield, as the King of the French had done, to the Holy Alliance. In conclusion, he would say, that by all the ties which they were bound to encourage the spread of liberty and free institutions, they were bound to oppose the motion, and that on the success of the operations in Spain against Don Carlos depended the freedom, peace, and happiness of the world.

Mr. *G. Price* said, that his opinions with respect to the Spanish question were well known, as he had never shrunk from avowing them. In anything that he intended to offer with respect to the present motion, it was not his intention to enter into any argument touching the respective merits or claims of the conflicting parties who were now contending for the Throne of Spain. Neither did he intend to enter into any recital or comparison of the atrocities that were countenanced or committed on either side. It was not his intention to enter into any part of this question, which more particularly interested the conflicting parties themselves. He had not to deal with the present question as a Spanish question, but as a British question—as a question which concerned the honour, the character, and the interests of the British empire—he would treat this question upon broad and comprehensive grounds. He did not want or wish to enter into any criticism upon the military operations carried on by the British Auxiliary force. It was not his intention to discuss whether the commander of that force had displayed the talents that ought to distinguish a military commander, or whether he had committed mistakes. He was neither capable nor inclined to discuss any question of individual conduct with respect to the operations in Spain, and he had no disposition to say anything of the conduct of an hon. Member who was absent. It had always been his wish to avoid speaking of an absent Member, and he had never done so in any instance when he saw a prospect of being afforded the opportunity of meeting him front to front. The question, as he had stated, he wished to consider in a far wider and more extensive point of view than anything that related to the affairs of individuals. The principle on which the noble Lord interfered in this contest was a principle borrowed from the semi-barbarous policy of the middle ages. In the advances that civilization and improvement had made, there was nothing so gratifying to the man of humanity, to the philosopher, to the philanthropist, and the statesman, as to observe the progress which, during the last two centuries, civilization had made in mitigating the horrors of war. They ought not to now recur to the practices of semi-barbarous times, nor attempt to act upon principles which ought to be excluded from the better and wiser systems of modern times. History had sent forth its fiat, and whatever might be the skill and valour of military commanders, the devastations and ravages they committed, and the human sufferings they created, were followed by the execrations of mankind. He contended that the interference that had taken place by the sending of men from this country to engage in military operations in Spain, and against the people of that country was inexpedient, unadvisable, and indefensible. In a moral and religious point of view, those who had concurred in that interference were responsible for the evils that it had produced. But, passing by the moral considerations that the case involved, he contended that, both for the sake of the Spanish people, as well as for the sake of the credit, and honour, and character of this country such interference was most pernicious and impolitic. Would the noble Lord opposite be able to point out any instances illustrative of the policy of such a measure as that which the noble Lord had adopted? Would he point out any instance in which tranquillity had been established, or peace restored, to any country by the interference of foreign weapons? The history of Spain was open to the noble Lord, and was there any history which could better illustrate the impolicy of such interference? Would he point out a single instance in which the employment of foreign bayonets where the people were contending amongst themselves was ever attended with salutary or beneficial effects? On the contrary, the usual result where foreign troops were pinterosed was, not that they produced peace or tranquillity, but that they usually embitered the quarrel they were sent to allay. They envenomed the temper of the nation—they, in fact, uniformly made the quarrel worse than it was before, and so far as they were themselves concerned, they were, from t e beginning, objects of dislike to the people amongst whom they were intruded, and finally and uniformly the objects of the ingratitude of those whose cause they went to serve. He contended that in no view was such an interference justifiable. But, moreover, there were other considerations with which this country was intimately concerned. Was it advisable to send a large body of our countrymen on such slight pretences to mix themselves up in such scenes of horror as those which had been described? Would they become by these means better men or better subjects? Would their morals be improved, or their characters rendered better, by having been mixed up in such scenes? It might be contended that there was a wide distinction between the feelings of men inured to military pursuits and those who pursued the civil occupations of life—men for the sake of acquiring honour and reputation — and many from a view to the benefit of their fellow men, engaged in rash and dangerous and disastrous enterprises; but they were responsible for the consequences. In a moral point of view they were responsible for all the evil that they might produce; and however there might possibly exist a disposition to undervalue the obligations of moral duty and responsibility, they were important, and in the discussion of any question ought not to be overlooked. He considered, also, that, with respect to the employment of our countrymen in the service of foreign countries, such a practice was not calculated to raise the credit or advance the character of this country. Let them, for instance, look at the Swiss. It was the practice of Switzerland to send her troops for hire into foreign services; but what was the effect upon the character of that country? The valour of the Swiss troops was undisputed; the skill of their commanders was undoubted; they were brave in the field, and patient of privations. But what was the effect of all those qualities? They were mercenary troops, and the consequence was, that Switzerland was infamous throughout Europe, as the common shambles from which the monarchs of Europe procured hired mercenaries to assist them either in resisting foreign aggression or trampling on their subjects at home. There were, also, the Hessians, who were accustomed to be employed as mercenary troops. He would remind the House of a debate which took place in the British Parliament when this country employed the Hessian troops to assist in controlling our revolted subjects in America; and if he wanted an eloquent and powerful denunciation of the evil of employing foreign troops in an intestine quarrel he need only refer to that debate. But this interference of foreign troops was always remembered with bitterness by the people against whom they were employed; and to this hour, in America the employment of these mercenary troops was remembered with bitterness, and the term "Hessian," was employed as a term of reproach and contumely. Surely these were not examples which this country ought to be disposed to imitate. It was no wish of his to make any reference to the conduct of those individuals engaged in Spain, but to protest against the permitting the subjects of this country to enter into the service of any foreign countries. In referring to precedents to sanction this interference in the contest now waging in the Peninsula, it had been attempted on the other side of the House to justify it by precedents, drawn from the times of Elizabeth and James 1st. Now, with respect to the troops which were sent to the Netherlands by Queen Elizabeth, was the noble Lord opposite aware, that not one single soldier was sent by Elizabeth to assist the Netherlands until two years after the intrigues of the Duke of Alva, and until he had published his Ecclesiastical bull. The soldiers that were sent were recalled within six months afterwards, so unwilling was Queen Elizabeth to sanction that course of policy and interference under which, as a precedent, the noble Lord opposite now sought to shelter. For five years after this, not a single soldier was embarked, until Don John of Austria, raised an army, and, with the assistance of Spain sent an expedition to the Netherlands. Elizabeth then thought it time to interfere, and she did not do so in any indirect or equivocal manner, but she interfered as became her character and the dignity of the country which she ruled. There was a curious dissimilarity in the terms under which the troops of Elizabeth were embarked, and those under which the foreign enlistment of British subjects was lately sanctioned. In the order under which the troops of Elizabeth embarked, it was distinctly stated that they went to assist the people of the Netherlands to recover and maintain those ancient laws and privileges which their Sovereign had torn from them. The hon. and learned Gentleman then proceeded to refer to other cases of interference, particularly in the reign of James 1st, and contended that they were not at all cases in point, but that even though the facts might be similar, which they were not, yet that the improved spirit of the times forbad a recurrence to such a system of policy. With respect to the Quadruple Treaty, he perfectly agreed in one opinion that had been expressed, that the faith of this country ought not to depend on the mere circumstance of a change in the Administration. If that was the case, the faith of the country would be liable to continual changes. But he objected to the Quadruple Treaty itself, as a violation of every principle by which the foreign policy of this country ought to be regulated. It was an act of interference in the quarrels of a people with whom we had no connexion—with whom we had no quarrel—towards whom we had no hostility—who had invaded no rights nor interfered with any interests of this country. The effect of such a policy after years would decide. They had sown the seeds of a state of things which it would require many years of persevering wisdom to correct. He believed that the conduct of his Majesty's Government with respect to the Quadruple Treaty and the interference in Spain was calculated to produce the most lamentable and most mischievous results. The measures of the noble Lord were calculated, more than any other circumstance, to produce in Europe that war of opinion which Mr. Canning so much deprecated—a war which when it once commenced it would be too late and impossible to check, and for the evils of which it would take many years of wisdom to compensate. He trusted that, while there was time, the noble Lord would retrace his steps, and that the House would concur in the motion now before it.

Mr. *Sheil:* I hope the hon. and learned Member will permit me without giving him offence, to say, that if he had been born in

Spain, he ought to have been returned to the Cortes as representative of La Mancha. What a strange anomaly will enthusiasm produce in even an accomplished mind! Despite his habitual horror for Popery, he has a profound reverence for his Catholic Majesty—he regards the Inquisition as a venerable Conservative institution, and I question whether in the event of the triumph of Don Carlos he would not gladly journey across the Pyrenees, in order to witness the burning of the Quadruple Treaty in splendid *auto da fé*. The military and political character of the gallant Member by whom this motion was brought forward gives it a peculiar interest. As a soldier his opinions, when unbiassed, are of the highest value. And the part he plays as a politician is so conspicuous, that it is not unreasonable to conjecture that this motion is part of a combined plan of operations, by which a very important position is to be carried by the gallant Officer. The motion was seconded by a profound, but unemployed, diplomatist. An eminent negociator, once in the confidence of the Whigs, and now not undeserving Tory trust. There s a practical antithesis in the right hon. Gentleman, for while for the Emperor Nicholas he has no strong personal relish, he is not without some propensity to the adoption of a Sclavonic policy at Madrid. I like to do justice, and I should think that the right hon. Gentleman must have laboured under a very strong and painful sense of public duty when he took a part so prominent in assailing the measures of his noble, and I believe that he has found in him his Faithful, friend. There is another view in which this motion is most important; it is an announcement of the policy intended to be pursued by the Tories upon their anticipated advent to power. The hon. Member for Tamworth has recently intimated that he will, although with great reluctance, submit to the infliction of power, and give the House of Commons an opportunity of atoning for that parricidal blow by which his official existence was suddenly abridged. It is as well, therefore, that we should know that in the event of the Whigs resigning, of Lord Melbourne departing from his pledge, and of the House of Lords appointing the Cabinet, it is as well that we should be apprised that the victory of Conservatism in St. James's will be followed by the triumph of Conservatism at Madrid. The decision of the House, Sir, upon this question must turn upon the proper construction of the Quadruple Treaty and the course pursued by the Government. Let me examine both. What standard shall we adopt in interpreting the treaty? Not a mere literal one—not a mere verbal, special pleader test. We are not to play the part of Scaligers in politics—of "word-hunters, that live on syllables," but we are to consider the circumstances under which the treaty was entered into, its objects, and the means by which they are best to be accomplished. It may be asked at the outset what concern have we with Spain? I answer by asking what concern has Russia with Spain? What have Austria and Prussia to do with Spain?—and if despots feel their interests so deeply involved in the form of Government which she assumes, shall it be said that the people of this free country ought to be indifferent to the extension of the principles from which our glory, our power, and our virtue are derived? But putting considerations aside which may be regarded as vague and indefinite, let us look back a little at events which have happened within a few years, and we shall see how material it is to sustain British interest in the Peninsula, in order to countervail the great northern confederacy which is leagued against us. We shall see the consequences of neglecting liberty in Spain. In 1820, the constitution was proclaimed—at the Council of Verona it was determined by Russia that it should be crushed. In 1823, under the influence, and swayed by the councils of the Autocrat, the Duke d'Angoulême marched into Spain. He obtained possession of Spain as the trustee for Alexander, and was a mere instrument in the hands of the Czar. The ascendancy of Russia was established, and she took advantage of her predominance over France; being sure that her dependent, bribed by the gift of Spain into acquiescence, would not join us, she fell on Turkey, crossed the Balkan, extorted the treaty of Adrianople, and laid the Sultan so prostrate that England, however disposed, could not lift him into independence and dignity again. This is the simple narrative of incidents of which we yet feel the results; the transactions in the East were beyond doubt influenced by our original supineness with regard to the Peninsula, through which France might have been swayed; and it is the duty of

British Ministers to endeavour to repair these errors, and to regain an influence through liberal institutions in the Peninsula. Thus it is that I account for the policy by which the Quadruple Treaty was dictated, and with a view to which it ought to be interpreted and enforced. Now, let us look at the more immediate circumstances under which it was framed. Don Carlos and Don Miguel were both in Portugal in April, 1834. If Don Carlos should recover the throne of Spain it was obvious that Don Miguel would recover that of Portugal. We were bound under treaties to protect Portugal, and thus it was that the entire Peninsula was embraced in the treaty. Instead, then, of wasting time in cavils about particular passages in the treaty, let us see what was doing and what ought to have been done under the treaty. The Duke of Wellington gave it a complete ratification. He ordered 50,000 muskets to be sent to the Basque provinces. For what purpose? I call on the gentlemen opposite, who cry out so vehemently for justice to Navarre, and have very little regard for justice to Ireland—I call on those who tell us that the Basques are fighting for their immemorial rights, and who protest that we ought not to interfere in the struggle, to tell me for what purpose the Duke of Wellington sent 50,000 bayonets to Spain. And if it was no violation of the treaty, nor inconsistent with our political obligations to employ bayonets against the Basques, how have the Government offended against the principles by which British statesmen ought to be swayed in allowing British subjects to use the weapons which it is admitted the Duke of Wellington transmitted to the Peninsula? There is no distinction between the transmission of arms and the authorisation of British subjects to enter the service of Spain; and they indulge in mere factitious sensibility who contend that the Basques, after having associated their cause with an avowed despot, are engaged in a struggle which entitles them to the sympathies of Great Britain. The constitution gives the Basques the same privileges as are awarded to other Spaniards; it places all Spaniards upon a level; and the Basques are not contending for a participation in the rights of citizens, but for an exemption from their liabilities. I now come to the order in council. Let it not be supposed that our Government volunteered in granting permission to British subjects to enter into the Spanish service. On the 7th of May the Spanish ministry applied to us for co-operation. It was feared that direct intervention would alarm the sensitiveness of Castilian pride. In 1819, the Foreign Enlistment Act was passed; but a power was reserved to the Crown to suspend its operation. It was clear that circumstances were anticipated under which it might be deemed judicious that foreign enlistment should be allowed. It was thought in 1823 by the Whigs, that though circumstances had arisen at that juncture, and that a good moral effect would be produced by repealing the Act, and thus signifying the interest we took in the liberties of Spain—(I may incidentally observe that the noble Lord, the member for Lancashire, voted for the repeal of the Act, how he will vote tonight it is not for me to anticipate)—the application to which I have referred having been made to the Whig Government for assistance, it was thought that the wisest course would be, to issue the order in council. Let us now see how far that proceeding, which was, beyond all doubt, in conformity with the spirit of the treaty, has been justified in point of policy by events. Three charges have been brought against the Legion; and insubordination, inhumanity, and want of disciplined intrepidity in action, have been attributed to them. With respect to disorganization, it existed to a considerable extent, but it ought to be recollected that even in the best armies it will, under peculiar circumstances, unfortunately arise. Was not the retreat of the Duke of Wellington after his defeat at Burgos attended with a lamentable loss of discipline, for which the Duke of Wellington is not in the slightest degree responsible? And how can it be wondered at, that such levies as composed the Auxiliary Legion should in the midst of hardships, certainly not occasioned by themselves, have been deficient in subordination? With respect to the excesses into which the Legion had been betrayed, let it be remembered that, although they were not justifiable, they were not unprovoked. They gave no quarter, and they received none; to the merciless they showed no mercy; and I question whether the gallant Officer opposite at the head of the best troops in the service, could, notwithstanding all his habits of control, restrain his men from vengeance if they saw their fellow-soldiers lying butchered and mutilated with every incident of the most degrading ignominy before them. But from every participation in these offences against humanity, General Evans is entirely free. No order of a vindictive character was ever issued by him. And if a single officer, under the influence of excited passion, let his feelings burst forth in an ebullition of reprehensible resentment, and the fact is only stated in an anonymous publication, how unjust is it to charge the entire British Legion with that want of humanity which has been imputed to them. But while the gallant Officer is thus at once vehement and pathetic in reprobating the excesses of retaliation, what will he say of the atrocious Durango decree, by which murder in cold blood was enjoined by Don Carlos? 'The Tories will of course condemn him, but while they condemn him, they recommend measures of which the effect will be to plant the crown of Spain upon his head. With respect to the last charge—the want of valour—it cannot be denied that a portion of our troops, in a most discreditable manner gave way. But I believe that most troops, excepting those which have acquired a veteran stability, are occasionally subject in a moment of surprise to such moral disasters as in the instance referred to befel the Auxiliary Legion. Having candidly admitted the occurrence of this deplorable incident, give me leave to ask whether it is not in some degree countervailed by those examples of high courage which in many other instances the Legion have furnished? And was it, let me ask, quite legitimate to expatiate with so much force upon a single calamity, and to omit the mention of those achievements for which the Legion deserve no ordinary praise? The Spanish Cortes and Government thanked General Evans for the battle of St. Sebastian; the French General expressed his warmest commendations; and I shall, I hope, be pardoned for suggesting that an incident which to a French soldier afforded matter for congratulation, ought, in the mind of the gallant Officer opposite, to have in some sort counterbalanced the unfortunate transaction upon which the gallant Officer has so strongly dilated? I pass now to the second branch of the motion of the gallant Officer. Nothing can be worse, it seems, than the failure of the Legion, excepting the success of the marines. The gallant Officer would withdraw the Legion because, as he erroneously conceives, they have failed; and would withhold the assistance of the marines because they have succeeded! This is exceedingly anomalous. Let it be observed that it is not upon any large ground of public policy that the gallant Officer recommends that the marines should be removed from the field in which they have won laurels that have borne precious fruit. The gallant Officer dwells entirely upon the nature of the service to which he conceives that these fine troops ought to be confined, and insists that it is only upon the ocean they should be permitted to serve their country. I answer the gallant Officer by a simple reference to their motto. "*Per mare per terram*", sets all discussion upon this part of the question at rest. Read the treaty with a view to the interests of your country, and not to speculations of your party, and you will rid yourselves of miserable dissertations on mere words and phrases, and arrive at the just and lofty sense of this great quadruple compact. It is alleged that the measures of the Government have not produced any good results. Try that allegation by this test. If those measures had not been adopted—if the Auxiliary Legion and the marines had not given their co-operation, what would have befallen the Spanish people? Would not Bilboa have been taken by assault? and would not the British seamen see from afar upon the main the standard of Don Carlos floating from the castle of St. Sebastian. Take another test, if it please you. Let me suppose this motion carried. The courier that will convey the intelligence will convey tidings of great joy to St. Petersburgh, to Vienna, and to Berlin, and he will convey tidings of great dismay wherever men value the possession of freedom, or pant for its enjoyment. It will palsy the arm of liberty in Spain. It will fill her heart with despair. A terrible revulsion will be produced; from Calpe to the Pyrenees the cry "We are betrayed by England!" will be heard; and over that nation which you will indeed have betrayed, Don Carlos will march without an obstacle to Madrid. [*Cheers from the Opposition.*] You cheer me, do you? Who are you that cheer me? Not your leaders—not the men who are placed conspicuously before me. They know, they feel, the impolicy of these rash manifestations. They profess horror at the atrocities of Don Carlos, and deprecate his triumph; but you that cheer me disclose your hearts, and exhibit the wishes by which your political conduct is determined. Cheer on—yes, exult in the anticipated victories of despotism in Spain, and with your purpose let the people of England be made well acquainted. But, turning from you, I call upon the rest of the House, and to the British people beyond the House, to reflect upon the events which must follow the triumph of Don Carlos. Do you not know him? Do you stand in need of any illustrations of his character? What was it that befel Spain when the constitution was suppressed in 1823? Do you not think that Don Carlos will improve upon Ferdinand's example, and recollect what model was held out to him? Have we forgotten the massacre at Cadiz? Is Riego's blood effaced from our memories? Do you doubt that the same terrible career of remorseless, relentless vengeance will be pursued by the marble-hearted despot by whom such horrors have been already perpetrated? With whom, attended with what companionship, encompassed by what councillors, did Don Carlos land in England? Did he not dare to set his foot upon our shores with Moreno the murderer of Boyd and Torrijos beside him? But what further evidence of his character and his propensities do we want, than his terrible Durango ordinance? I have heard it asked whether it be befitting that in Spain, the theatre of so many of those exploits whose memory will be everlasting, the British flag should be lowered in discomfiture, and before the mountain peasants British soldiers should give way? I feel the force of that question. But there is another which I venture to put to every man who hears me, and, among all those that hear me, above all to the gallant Officer by whom this motion has been made. I invoke the same recollections—I appeal to the same glorious remembrances; and in the name of those scenes of which the gallant Officer was not only a witness, but bore in them a part, of which he bears an honorable attestation about him, I ask whether it be befitting, that in Spain—that in the country whose freedom was achieved by such prodigies of English valour, where so many of your fellow-soldiers who fell beside you lie buried—is it, I ask, befitting, that in that land, consecrated as it is in the annals of England's glory, a terrible, remorseless, relentless, inexorable despotism should be established, and that the throne which England saved should be filled by the purple tyrant whose arms have been steeped to the shoulders in the blood of your countrymen—not in the fields of honourable combat slain, but when the heat of battle had passed, and its sweat had been wiped away—savagely and deliberately murdered? Their bones are bleaching on the Pyrenean snow—their blood cries out; and shall we, intrusted as we are by the British people with the care of the dignity, the honour, and the just vengeance of our country—shall we, instead of flying at once to arms, facilitate the ascent to the throne of Spain of the guilty man by whom these outrages upon every law, divine and human, have been committed? Never! The people of this country are averse to wanton and unnecessary war; but where the honour of England is at stake there is no consequence which they are not prepared to meet; no hazard which they will not be found prompt to encounter.

Sir *Henry Hardinge* rose to explain:—The House would recollect that in tracing the misfortunes of the Legion to that defeat which they had finally experienced he uniformly attributed that result to the treatment which they received from the Spanish government. He had on various occasions stated not only that General Evans had taken every opportunity of remonstrating against this treatment, but that he had on every occasion conducted himself in the most honourable manner, and as it became a gallant Officer to do. He had also stated, that the men forming the Legion had often maintained the gallantry of their countrymen. But he had also stated, that broken down as the Legion were by misfortune, and latterly disorganised by a mutinous spirit, they no longer constituted a force capable of representing the gallantry of this country. He had also mentioned the fact, that Colonel Churchill had declared, that the cause of his leaving the Legion was the insubordination of the men, solely owing to the want of pay. He would appeal then to the House, and to the country, whether—[*Cries of spoke.*] He was sure the House would see the position in which he was placed. The hon. and learned Gentleman had, in the course of his observations, treated his remarks with great injustice. He should be ready, as a military officer.—[The remainder of the gallant Officer's remarks were lost by cries of order, order, and "spoke."]

Mr. *Sheil* said, that the only words of the right hon. and gallant Officer which he had caught were, that he (Mr. Sheil) had treated the gallant officer with great injustice. If he had done so he was unconscious of it, and was extremely sorry for it. But he would put it to the House whether he had said more than it was perfectly fair in a political opponent to do? If the right hon. and gallant Gentleman would permit him to say as much, he believed him to be incapable of misrepresenting any man; and he believed that there was not any man in the House actuated by a higher sense of honour than the right hon. and gallant Officer.

Sir *John Elley* then rose to address the House, but he was very indistinctly heard in the gallery. We understood him to say, that after the eloquent speech of the hon. and learned Gentleman, it was not his intention to trespass long upon the patience of the House. He however, was anxious to take a different view of the subject from that which had hitherto been taken of it by any hon. Member who had preceded him. Owing to an infelicitous combination of circumstances, the services rendered by the British Auxiliary Legion had been of little advantage to the Queen of Spain, and that from the continuance of those services as little advantage might be expected. At the same time he would, however, assert his belief, that General Evans had done as much as, out of the materials which he had to deal with, he could be expected to effect. The hon. and gallant Gentleman then went through a review of the various military operations which have taken place in Spain since the arrival of the British Auxiliary Legion at St. Sebastian; but the hon. and gallant Gentleman spoke in so indistinct a tone, that we were unable to follow him through the details. In continuation the hon. Gentleman observed, that the British Auxiliary Legion was defective in discipline, and possessed none of the attributes of a regular British force. General Evans had not only experienced much ill treatment from the Spaniards, but he had been deserted by some of his friends, even in this country. No general could depend with any degree of confidence on troops which had retreated, as those of General Evans had done, during the recent action before Hernani; and the best comment on the general effect of the services which had been rendered by the Legion was the fact, that it occupied, at the present time, no more ground in the Spanish territory than it had occupied two years since. What had Spain or England gained by this expedition? Upon our part, we had incurred an expenditure of from 500,000*l.* to 600,000*l.* in stores, and certainly no accession of glory. What could we ultimately gain? With such materials as the gallant General had to deal with, nothing permanently advantageous could be effected. He meant no imputation upon the character of General Evans; for with such materials he would defy any general to do more. For the sake of that gallant Gentleman he lamented the result of this expedition, not as tarnishing the lustre of the British arms. The Legion was reduced to a state of demoralization, which totally unfitted them for action. The best proof of this would be found in the fact, that out of twenty or thirty officers of the Legion who had formerly been engaged in the British service, all, with the exception of two or three had retired. It was impossible that any man, however gifted, could exercise any proper degree of power and influence over an army which he could not feed. Discipline, in the absence of regular supplies could not be expected to continue. Whatever might be the courage of individuals, it was discipline alone which would enable a body of troops to show, under all circumstances, a firm front to the enemy. He felt that to renew the order in council with any practical effect would be impossible, now that the eyes of the people of this country were opened to the real state of affairs in Spain. Not another recruit would be found to enlist under that banner beneath which so many had fallen without any beneficial result. Indeed, he believed that the formation of another Legion for similar purposes, would never be attempted. He lamented exceedingly that some members of the Legion should have expressed there determination to bayonet every Carlist that fell into their hands, because if there was one attribute which more than another bespoke the genuine character of the British soldier, it was the heroism of showing mercy to the vanquished—the brightest gem in the crown of true valour—the gratifying and delightful proof that all the finer feelings of our nature may be exhibited even amidst the horrors of war. It had been said of the British army by some of their French opponents, that their heroic magnanimity could not be disputed, because they were brave during the fight, and humane when the contest was over.

Debate again adjourned.

INDEX.

INDEX

TO VOL. XXXVII.

OF

HANSARD'S PARLIAMENTARY DEBATES,

FOR SESSION 1837.

ABERDEEN, Earl of
  Canadas, the, 561

Abinger, Lord
  Mint, the, 798
  Oxford and Cambridge Statutes, 1038

Adam, Admiral
  Breach of Privilege—Explanation of Sir E. Codrington, 1307, 1316, 1318, 1327
  Dismissed Officers, 1193, 1197
  Men-of-War Wrecked, 692
  Navy Estimates, 909, 912
  Royal Marines, 218

Advocate, the Lord, (Right Hon. John A. Murray)
  Bankruptcy (Scotland), 770
  Bankrupts' Estates (Scotland), 769
  Court of Session (Scotland), 1152, 1153
  Prison Discipline (Scotland), 1206

Affairs of Canada—Adjourned Debate, c. 76

———*Spain,* c. 1329—Adjourned Debate, 1394

Aglionby, Mr.
  Church-rates, 549
  Dismissed Officers, 1189
  Imprisonment for Debt, *cl.* 12, 698
  Recovery of Tenements, 771
  Supply—Army Estimates, 819

Agnew, Sir Andrew
  Post-office, 813

Alston, Mr.
  County-rates, 1126

Appendage to a Petition, l. 835

Archbishop Sharpe—Explanation, c. 667

Army Estimates, c. 661

Ashburton, Lord
  Church-rates, 2, 208

Ashley, Lord
  Factories' Act, the, 666

Attorney-General, the, (Sir John Campbell)
  Archbishop Sharpe—Explanation, 667
  Church-rates, 403, 520
  Factories' Act, the, 666
  Imprisonment for Debt, *cl.* 1, 696, *cl.* 12, 697, 698, 829, 830, *cl.* 13, 833
  Parliamentary Agents, 461
  Primogeniture, 739
  Survey of Church Lands, 691, 692

Bagshaw, Mr.
  East-India Maritime Officers, 753

Baines, Mr.
  Church-rates, 477
  Survey of Church Lands, 1200

Ballot, the, c. 8

Bangor, Bishop of
  See of Bangor, 663, 665

Bankruptcy (Scotland)—Second Reading, c. 77

Bankrupts' Estates (Scotland)—Second Reading, c. 769

Bannerman, Mr.
  Brevet Promotion, the, 292

Barclay, Mr.
  Brighton Railway—Stephenson's Line, 1303

Baring, Mr. Francis
  Commissions, 73
  Ice-bound Whalers, 926

Baring, Mr Bingham
  Manufacture of Foreign Corn, 686

Battles in Spain, c. 681

Beauclerk, Major
Breach of Privilege—Explanation of Sir E. Codrington, 1319
County-rates, 1143

Bellew, Mr.
Municipal Corporations (Ireland), 952

Benett, Mr.
Church-rates, 429
County-rates, 1146

Beresford, Sir John
Breach of Privilege—Explanation of Sir E. Codrington, 1316

Berkeley, Captain
Affairs of Canada, 143
Case of Mr. Lovesey, 860, 865, 928
Royal Marines, 216
Severn Navigation, 1116
Supply—Army Estimates, 816, 818, 822
Vixen, the—Treaty of Adrianople, 640

Berkeley, Mr. Craven
Case of Mr. Lovesey, 867

Bernal, Mr.
Ballot, the, 42
Church-rates, 471

Boldero, Captain
Military Punishments, 882
Navy Estimates, 656
Royal Marines, 214
Supply—Army Estimates, 794

Borthwick, Mr.
Ballot, the, 44
Navy Estimates, 658
Survey of Church Lands, 1294

Breach of Privilege, c. 1391

———— *Poor-law Committee*, c. 1305

———— *Explanation of Sir E. Codrington*, c. 1306

Brevet Promotion, the, c. 286

Bribery at Elections, c. 71

Bridgeman, Mr.
Military Punishments, 900

Brighton Railway—Stephenson's Line, c. 1158, 1301

Brotherton, Mr.
County-rates, 1145
Inclosure Bills—Public Recreations, 164

Brougham, Lord
Church-rates, 2, 4, 5, 207, 208, 381, 382, 677, 678
Mint, the, 797, 798, 799
New Houses of Parliament, 1390

Brougham, Lord—*continued.*
Oxford and Cambridge Statutes, 1028
Petitions for Church-rates, 554, 555, 557
Poor-law Amendment Act, 852, 857
Scotch and Irish Vagrants' Bill, 799
Trial by Jury (Scotland) Bill, 1207

Browne, Mr. R. Dillon
Municipal Corporations (Scotland), 946

Bruce, Mr. Cumming
Court of Session (Scotland), 1152
Dismissed Officers, 1192
Prison Discipline (Scotland), 1205

Buckingham, Mr.
Mercantile Marine, 164, 190
Merchant Service, the, 1123

Buller, Mr. Charles
Affairs of Canada, 1268
Ballot, the, 54
Navy Estimates, 657
Penny Stamp on Newspapers, 1179

Buller, Mr. Edward
County-rates, 1131

Bulwer, Mr. E. L.
Military Punishments, 891

Bulwer, Mr. H. L.
Affairs of Spain, 1411, 1418
Municipal Corporations (Ireland), 953, 958

Burrell, Sir Charles
Church-rates, 548

Business of the House, c. 1208

Bute, Marquess of
Poor-law Amendment Act, 1300

Buxton, Mr. Fowell
Church-rates, 361
Texas, 201

Byng, Mr. George
County-rates, 1131

Camden, Marquess of
Oxford and Cambridge Statutes, 1015

Canada, c. 1209

Canadas, the, l. 557

Canning, Sir Stratford
Affairs of Spain, 1353

Canterbury, Archbishop of
Church-rates, 147
Oxford and Cambridge Statutes, 1015
See of Bangor, 665

Case of Mr. Lovesey, c. 858, 927

Cayley, Mr.
Church-rates, 422

Chancellor of the Exchequer, the, (Right Hon. T. Spring Rice)
Affairs of Canada, 139
Ballot, the, 61, 67
Church-rates, 470, 471, 530, 537, 538
Corn-laws, 605
Distress in Scotland, 924, 925
Duty on Soap, 747
Imprisonment for Debt, *cl.* 12, 831
Municipal Corporations (Ireland) Bill, *cl.* 96, 674, 981
Penny Stamp on Newspapers, 1164, 1170
Post-office, 810
Qualification of Members, 807
Reform Act—Rates and Taxes, 203, 205
Royal Marines, 217
Tobacco Duties, 765

Chancellor, the Lord, (Right Hon. Lord Cottenham)
Mint, the, 799
Scotch and Irish Vagrants' Bill, 799
Trial by Jury (Scotland) Bill, 1207

Chandos, Marquess of
Corn-laws, 592, 595

Chapman, Mr. Aaron
Men-of-War Wrecked, 692
Mercantile Marine, 188

Chetwynd, Captain
Supply—Army Estimates, 790, 793

Church-rates, l. Question, 1—Petitions, 147—Petitions, 207—*c.* Question, 212—Committee, 296—*l.* Petitions, 381—*c.* Adjourned Debate, 383, 466—*l.* Petitions, 675

Clay, Mr.
Corn-laws, 562
Manufacture of Foreign Corn, 687

Clerk, Sir George
Court of Session (Scotland), 1152, 1153

Clive, Mr. Robert
Severn Navigation, 1120

Codrington, Sir Edward
Breach of Privilege—Explanation by, 1306, 1307, 1314, 1315, 1317, 1318, 1323, 1325, 1326, 1328
Brevet Promotion, the, 292
Dismissed Officers, 1184, 1194, 1196
Manufacture of Foreign Corn, 688
Mercantile Marine, 189
Navy Estimates, 912, 913
Royal Marines, 215
Vixen, the—Treaty of Adrianople, 629

Colchester, Lord
Poor-law Amendment Act, 885

Commissions, c. 72

Conspiracy in Ireland, l. 1388

Consular Agent at Cracow, c. 701

Copeland, Mr. Alderman
Imprisonment for Debt, *cl.* 12, 831

Corn-laws, c. 562

County-rates, c. 1124

Court of Session (Scotland), c. 1152

Crawford, Mr. Sharman
Municipal Corporations (Ireland) Bill, *cl.* 96, 672

Creating Fictitious Votes, c. 160

Criminal Law, c. 709

Curteis, Mr.
Breach of Privilege—Explanation of Sir E. Codrington, 1327
Brighton Railway—Stephenson's Line, 1159, 1161, 1301

Dalbiac, Sir Charles
Military Punishments, 904
Supply—Army Estimates, 793

Darlington, Earl of
Brevet Promotion, the, 289
Corn-laws, 595
Severn Navigation, 1116

Devon, Earl of
Receiving Printed Petitions, 211

Dismissed Officers, c. 1184

Distress in Scotland, c. 924

Divisions, List of
Affairs of Canada, [A. 144, N. 16, M. 128] 144—5th Resolution, [A. 269, N. 46, M. 223] 1290
Ballot, the, [A. 153, N. 265, M. 112] 67
Brevet Promotion, [A. 17, N. 66, M. 49] 293
Church-rates, [A. 273, N. 250, M. 23] 549
Corn-laws, [A. 89, N. 223, M. 134] 615
County-rates, [A. 84, N. 177, M. 93] 1150
Dismissed Officers, [A. 46, N. 153, M. 107] 1197
East-India Maritime Officers, [A. 45, N. 30, M. 15] 763
Hackney Coaches' Bill, [A. 28, N. 8, M. 20] 796
Imprisonment for Debt, [A. 27, N. 39, M. 12] 699—Clause 12, [A. 71, N. 22, M. 49] 833—Clause 13, [A. 12, N. 37, M. 25] 834
Manufacture of Foreign Corn, [A. 39, N. 28, M. 11] 690
Men-of-War Wrecked, [A. 13, N. 45, M. 32] 694
Military Punishments, [A. 167, N. 72, M. 95] 905
Municipal Corporations (Scotland), [A. 27, N. 43, M. 16] 456
———— (Ireland) Bill, *cl.* 96, [A. 65, N. 5, M. 60] 674—Motion to Adjourn Debate, [A. 286, N. 232, M. 54] 997—3rd Reading, [A. 302, N. 247, M. 55] 1110
Penny Stamp on Newspapers, [A. 42. N. 81, M. 39] 1183
Primogeniture, [A. 21, N. 54, M. 33] 740
Reform Act—Rates and Taxes, [A. 49, N. 38, M. 11] 206
Severn Navigation—2nd Reading, [A. 124, N. 151, M. 27] 1121

Divisions, List of—*continued.*
Supply — Army Estimates, [A. 11, N. 48, M. 37] 791—[A. 42, N. 16, M. 26] 795—[A. 72, N. 26, M. 46] 822
Texas, [A. 28, N. 41, M. 13] 202

Downshire, Marquess of
Want of Churches (Ireland), 1155

Duncannon, Viscount
Mint, the, 798
New Houses of Parliament, the, 1389, 1390

Duncombe Mr. T.
Breach of Privilege—Explanation of Sir E. Codrington, 1320
Brighton Railway—Stephenson's Line, 1158, 1160, 1161
False Subscriptions for Railways, 160
Military Punishments, 897, 901
Reform Act—Rates and Taxes, 203
Sale of Beer, 774
Supply—Army Estimates, 793
Survey of Church Lands, 1199, 1293, 1295
Western Railway—Paddington Estate, 678

Dundas, Captain
Breach of Privilege—Explanation of Sir E. Codrington, 1316

Duty on Soap, c. 741

East-India Maritime Officers, c. 702

Ebrington, Viscount
County-rates, 1130

Education (Ireland) — Explanation, c. 662

Egerton, Lord Francis
Affairs of Spain, 1375
Municipal Corporations (Ireland), 1071
Spain, 244

Ellenborough, Lord
Church Rates, 1, 3
Municipal Corporations (Ireland), 1158
Poor-law Amendment Act, 1298

Elley, Sir John
Affairs of Spain, 1457
Brevet Promotion, 289, 290

Elphinstone, Mr.
Ballot, the, 39

Estcourt, Mr.
Police Magistrates, 294, 295

Ewart, Mr.
Corn-laws, 594, 595
County-rates, 1164
Criminal Laws, 733
Military Punishments, 887
Primogeniture, 734
Supply—Army Estimates, 794, 814
Tobacco Duties, 764
Vixen, the—Treaty of Adrianople, 628

Exeter, Bishop of
Church-rates, 5, 209, 383

Exeter, Bishop of—*continued.*
Education (Ireland)—Explanation, 662
Poor-law Amendment Act, 835, 857

Explanation, c. 858

Factories' Act, the, c. 665

Falmouth, Earl of
Church-rates, 211

False Subscriptions for Railways, c. 160

Fancourt, Major
Military Punishments, 868, 880

Fazakerley, Mr.
Breach of Privilege—Poor-law Committee, 1305

Fector, Mr.
Spain, 244

Ferguson, Sir Ronald
Sale of Beer, 773

Fergusson, Mr. Cutlar
Military Punishments, 876
Spain, 238, 247
Supply—Army Estimates, 793

Finch, Mr.
Imprisonment for Debt, *cl.* 12, 696
Municipal Corporations (Ireland) 1059

Fitzwilliam, Earl of
Church-rates, 157
Poor-law Amendment Act, 1297

Fleming, Mr.
Creating Fictitious Votes, 161

Follett, Sir William
Church-rates, 383

Forbes, Mr.
Prison Discipline (Scotland), 1206

Fremantle, Sir T.
Western Railway—Paddington Estate, 678

French, Mr.
Municipal Corporations (Ireland) Bill, *cl.* 96, 674

Freshfield, Mr.
Explanation, 858
Parliamentary Agents, 458

Gaskell, Mr. J. Milnes
Municipal Corporations (Ireland), 969

Gillon, Mr.
Duty on Soap, 741, 749
Military Punishments, 885

Gisborne, Mr.
Church-rates, 466

Gladstone, Mr. William
Affairs of Canada, 95
Church-rates, 489

Glenelg, Lord
  Canadas, the, 561

Gordon, Captain
  Dismissed Officers, 1193
  Prison Discipline (Scotland), 1206

Goring, Mr.
  Supply—Army Estimates, 794

Goulburn, Mr.
  Army Estimates, 661
  Church-rates, 368
  County-rates, 1137, 1138
  Municipal Corporations (Ireland), 929
  Parliamentary Agents, 465

Government of the Army, c. 775

Graham, Sir James
  Breach of Privilege — Explanation of Sir E. Codrington, 1310, 1315
  Dismissed Officers, 1194, 1196
  Municipal Corporations (Ireland), 1077
  Navy Estimates, 910, 912

Grattan, Mr. Henry
  Municipal Corporations (Ireland), 953

Greene, Mr.
  Brighton Railway—Stephenson's Line, 1160, 1302

Grey, Sir G.
  Affairs of Canada, 79, 86, 138
  Military Punishments, 900

Grote, Mr.
  Affairs of Canada, 1260
  Ballot, the, 8, 66
  Imprisonment for Debt, *cl.* 12, 831
  Supply—Army Estimates, 818

Guest, Mr.
  Corn-laws, 611

Hackney Coaches Bill, c. 796

Haddington, Earl of
  Want of Churches (Ireland), 1155

Hall, Mr.
  Ballot, the, 38
  Western Railway—Paddington Estate, 678

Hamilton, Mr.
  Municipal Corporations (Ireland), 942

Handley, Mr.
  Corn-laws, 601

Hardinge, Sir Henry
  Affairs of Spain, 1329, 1386, 1388, 1417, 1456
  Brevet Promotion, the, 289, 292
  Military Punishments, 901
  Navy Estimates, 660
  Royal Marines, 217

Hardy, Mr.
  Bribery at Elections, 71
  Inclosure Bills—Public Recreation, 164

Harewood, Earl of
  Poor-law Amendment Act, 1296

Harland, Mr.
  Church-rates, 547

Harvey, Mr. W. D.
  Affairs of Canada, 139
  Breach of Privilege, 1392, 1394
  ———— Explanation of Sir E. Codrington, 1327
  Church-rates, 212, 542
  Corn-laws, 604, 605
  Dismissed Officers, 1193
  Imprisonment for Debt, *cl.* 12, 699, 832
  Parliamentary Agents, 464
  Western Railway—Paddington Estate, 680
  West London Cemetery Company, 923

Hatherton, Lord
  Church-rates, 4
  Poor-law Amendment Act, 856
  Want of Churches (Ireland), 1155

Hawes, Mr.
  Duty on Soap, 748
  Imprisonment for Debt, *cl.* 12, 831
  Manufacture of Foreign Corn, 689
  Prison Discipline (Scotland), 1206
  Survey of Church Lands, 1295
  Western Railway—Paddington Estate, 680

Heathcote, Mr.
  Corn-laws, 602

Hereford, Bishop of
  Church-rates, 382
  Oxford and Cambridge Statutes, 1006

Hinde, Mr. Hodgson
  Church-rates, 547

Hindley, Mr.
  Factories' Act, the, 666

Hobhouse, Sir J.
  East-India Maritime Officers, 707, 751
  Imprisonment for Debt, *cl.* 12, 698

Hodges, Mr.
  Ballot, the, 33

Holland, Lord
  Appendage to a Petition, 835
  Church-rates, 2, 208, 210
  Oxford and Cambridge Statutes, 1012, 1014
  Receiving Printed Petitions, 211

Hope, Mr.
  Case of Mr. Lovesey, 867, 868
  Severn Navigation, 1120

Hotham, Lord
  Royal Marines, 216

Howard, Mr. Philip
  Dismissed Officers, 1194

Howick, Viscount
  Affairs of Canada, 126

Howick, Viscount—*continued.*
- Army Estimates, 661, 662
- Ballot, the, 47, 61
- Brevet Promotion, the, 286, 288
- Case of Mr. Lovesey, 929
- Church-rates, 327, 331
- Military Punishments, 893, 900
- Supply—Army Estimates, 778, 784, 791, 792, 794, 795, 814, 817

Hoy, Mr. Barlow
- Supply—Army Estimates, 789
- Texas, 191, 202
- Vixen, the—Treaty of Adrianople, 629

Hume, Mr.
- Affairs of Canada, 76, 79, 86, 87, 143
- Army Estimates, 661
- Brevet Promotion, the, 286, 288, 289, 290, 291, 292
- Case of Mr. Lovesey, 928, 929
- Church-rates, 319
- Corn-laws, 612
- County-rates, 1124, 1125, 1137, 1149
- Criminal Laws, 733
- Dismissed Officers, 1197
- Distress in Scotland, 924, 925
- Duty on Soap, 748
- East-India Maritime Officers, 756
- Imprisonment for Debt, *cl.* 12, 698
- Inclosure Bills—Public Recreation, 162
- Manufacture of Foreign Corn, 684
- Men-of-War Wrecked, 693
- Mercantile Marine, 182
- Military Punishments, 888
- Municipal Corporations (Ireland), 1043
- Navy Estimates, 656, 658, 661, 910, 913
- Penny Stamp on Newspapers, 1175
- Post-office, 811
- Royal Marines, 217
- Supply—Army Estimates, 780, 790, 791, 792, 793, 795, 813, 820
- Survey of Church Lands, 691, 692, 1200
- Tobacco Duties, 765
- Vixen, the—Treaty of Adrianople, 641

Ice-bound Whalers, the, **c.** 926

Imprisonment for Debt, c. 695, 823

Inclosure Bills—Public Recreation, c, 162

Ingham, Mr.
- Church-rates, 544

Inglis, Sir R. H.
- Affairs of Spain, 418
- Breach of Privilege—Explanation of Sir E. Codrington, 1317, 1318
- Men-of-War Wrecked, 694
- Survey of Church Lands, 1293
- West London Cemetery Company, 924

James, Mr.
- County-rates, 1136

Jephson, Mr.
- Ballot, the, 39

Johnstone, Mr. Andrew
- Church-rates, 470, 471, 472

Juvenile Delinquency, **c.** 926

Knatchbull, Sir Edward
- Brighton Railway—Stephenson's Line, 1160
- County-rates, 1129
- Manufacture of Foreign Corn, 689

Knight, Mr. Gally
- Corn-laws, 612
- County-rates, 1127
- Municipal Corporations (Ireland), 1049, 1051
- West London Cemetery Company, 923, 924

Labouchere, Mr.
- Affairs of Canada, 105, 1289
- Explanation, 858
- Post-office, 812, 813

Lambton, Mr.
- Brevet Promotion, the, 292
- Church-rates, 542, 544

Lansdowne, Marquess of
- Church-rates, 3, 4, 382
- New Houses of Parliament, 1390

Law, Mr.
- Church-rates, 415
- Parliamentary Agents, 464

Leader, Mr.
- Affairs of Canada, 137, 1266
- Breach of Privilege—Explanation of Sir E. Codrington, 1327
- Qualification of Members, 808
- Supply—Army Estimates, 794

Lefevre, Mr. Shaw
- Brighton Railway—Stephenson's Line, 1303
- Corn-laws, 607
- County-rates, 1133

Lennard, Mr.
- County-rates, 1135
- Military Punishments, 880

Lennox, Lord George
- Brighton Railway—Stephenson's Line, 1160, 1302
- Parliamentary Agents, 457
- Royal Marines, 213

Leveson, Lord
- Affairs of Spain, 1366

Llandaff, Bishop of
- Oxford and Cambridge Statutes, 1009, 1014, 1015
- Petitions for Church-rates, 554, 555, 556, 557, 675, 677

London, Bishop of
- Church-rates, 155, 157

Lushington, Dr.
- Affairs of Spain, 1438
- Ballot, the, 45
- Church-rates, 377
- Vixen, the—Treaty of Adrianople, 637

Lyndhurst, Lord
Receiving Printed Petitions, 212

Maclean, Mr.
Affairs of Spain, 1394
Battles in Spain, 681, 682
Navy Estimates, 654
Stores supplied to Spain, 619, 620
Vixen, the—Treaty of Adrianople, 636

Mahon, Viscount
Affairs of Spain, 1428
Spain, 223, 286
Stores supplied to Spain, 620

Malmesbury, Earl of
Poor-law Amendment Act, 1296, 1299, 1300

Mansfield, Earl of
Trial by Jury (Scotland) Bill, 1207

Manufacture of Foreign Corn, c. 683

Master of the Rolls (Ireland), c. 667

Maule, Mr. Fox
County-rates, 1140
Prison Discipline (Scotland), 1201, 1206

Maxwell, Mr.
Turnpike Trusts (Scotland), 708

Melbourne, Viscount
Church-rates, 1, 2, 150, 157, 556
Mint, the, 798
Municipal Corporations (Ireland), 1156, 1157, 1158
Oxford and Cambridge Statutes, 1018
Poor-law Amendment Act, 847, 1297

Men-of-War Wrecked, c. 692

Mercantile Marine, c. 164

Merchant Service, the, c. 1123

Miles, Mr.
Corn-laws, 605
County-rates, 1132

Military Punishments, c. 868

Mint, the, l. 797

Molesworth, Sir William
Corn-laws, 596

Morpeth, Viscount
Master of the Rolls (Ireland), 672
Municipal Corporations (Ireland), 1073

Municipal Corporations (Scotland), c. 456

——————— *(Ireland) Bill,* c. Committee, 672 — 3rd Reading, 929 — Adjourned Debate, 1403 — l. 1st Reading, 1156

Navy Estimates, c. 219, 656, 907

New Houses of Parliament, l. 1389

Nicholl, Dr.
Church-rates, 537
Survey of Church Lands, 1294

O'Connell, Mr.
Affairs of Spain, 1380, 1386
Bribery at Elections, 71
Dismissed Officers, 1192
Master of the Rolls (Ireland), 667, 672
Municipal Corporations (Ireland), 1051
Queen Regent of Spain, 295
Spain, 282, 285
Texas, 198
Vixen, the—Treaty of Adrianople, 645

Oxford and Cambridge Statutes, l. 1001

——————— *Protest against Postponing the Bill,* l. 1042

Palmer, Mr. G.
East-India Maritime Officers, 759

Palmer, Mr. R.
Breach of Privilege—Explanation of Sir E. Codrington, 1327

Palmerston, Viscount
Breach of Privilege—Explanation of Sir E. Codrington, 1319, 1327
Consular Agent at Cracow, 702
Navy Estimates, 657, 660, 661
Spain, 256
Stores supplied to Spain, 619
Texas, 193
Trade with Java, 6, 7
Vixen, the—Treaty of Adrianople, 630

Parliamentary Agency, c. 800

——————— *Agents,* c. 457

Parry, Sir Love
Affairs of Canada, 1267
Dismissed Officers, 1191

Pease, Mr.
Church-rates, 545
Mercantile Marine, 190
Reform Act—Rates and Taxes, 206
Western Railway—Paddington Estate, 681

Pechell, Captain
Brevet Promotion, the, 292
Brighton Railway—Stephenson's Line, 1303
Men-of-War Wrecked, 693
Mercantile Marine, 190
Navy Estimates, 909

Peel, Sir Robert
Affairs of Canada, 1279
Breach of Privilege—Explanation of Sir E. Codrington, 1324, 1326
Business of the House, 1208, 1209
Church-rates, 296, 319, 331, 343
Ice-bound Whalers, the, 926
Inclosure Bills—Public Recreations, 162
Municipal Corporations (Ireland), 1095
Penny Stamp on Newspapers, 1170, 1175
Post-office, 811
Severn Navigation, 1121
Spain, 271

Peel, Sir Robert—*continued.*
  Survey of Church Lands, 1200, 1294
  Trade with Java, 7

Pelham, Mr. Cresset
  Affairs of Canada, 136
  East-India Maritime Officers, 760
  Severn Navigation, 1121
  Vixen, the—Treaty of Adrianople, 656

Pemberton, Mr.
  Church-rates, 430

Penny Stamp on Newspapers, c. 1162

Petitions for Church-rates, l. 554

Philips, Mr. Mark
  Imprisonment for Debt, *cl.* 1, 696, *cl.* 12, 697
  Manufacture of Foreign Corn, 688

Plunkett, Lord
  Education (Ireland)—Explanation, 663

Polhill, Captain
  Military Punishments, 904

Police Magistrates, c. 294

Pollock, Sir F.
  Imprisonment for Debt, *cl.* 12, 825, 830, *cl.* 13, 833
  Parliamentary Agency, 891
  ———————— Agents, 462

Poor-law Amendment Act, l. 835, 1296

Post-office, c. 809

Poulter, Mr.
  Ballot, the, 35
  Spain, 247

Praed, Mr.
  East-India Maritime Officers, 753

Price, Mr. Grove
  Affairs of Spain, 1444
  Battles in Spain, 662
  Spain, 249, 282

Primogeniture, c. 734

Prison Discipline (Scotland), c. 1207

Qualification of Members, c. 802

Queen Regent of Spain, c. 295

Radnor, Earl of
  Church-rates, 209, 211
  Oxford and Cambridge Statutes, 1001, 1016, 1040, 1041
  Poor-law Amendment Act, 856

Rae, Sir W.
  Court of Session (Scotland), 1152
  Municipal Corporations (Scotland), 456
  Prison Discipline (Scotland), 1205, 1207

Receiving Printed Petitions, c. 211

Recovery of Tenements, c. 771

Redesdale, Lord
  Scotch and Irish Vagrants' Bill, 799

Reform Act—Rates and Taxes, c. 203

Reid, Sir John R.
  Mercantile Marine, 190

Richards, Mr.
  Commissions, 75
  Corn-laws, 614
  Dismissed Officers, 1191
  Imprisonment for Debt, *cl.* 1, 695. *cl.* 12, 697, 823, 830
  Supply—Army Estimates, 790, 816

Richmond, Duke of
  Poor-law Amendment Act, 1299, 1300
  Statute Labour, 617

Ripon, Earl of
  Canadas, the, 557
  Want of Churches (Ireland), 1154, 1155

Robinson, Mr.
  Affairs of Canada, 138
  Dismissed Officers, 1187
  East-India Maritime Officers, 702, 752
  Manufacture of Foreign Corn, 683, 687, 690
  Mercantile Marine, 186
  Severn Navigation, 1120
  Supply—Army Estimates, 780, 815
  Vixen, the—Treaty of Adrianople, 643

Roche, Mr. William
  Municipal Corporations (Ireland), 1063

Roden, Earl of
  Conspiracy in Ireland, 1388

Roebuck, Mr.
  Affairs of Canada, 87, 137, 138, 141, 142, 1209, 1250, 1271, 1289
  Breach of Privilege—Explanation of Sir E. Codrington, 1321, 1327
  Business of the House, 1208
  Commissions, 75
  County-rates, 1130
  Merchant Service, the, 1124
  Parliamentary Agents, 462
  Penny Stamp on Newspapers, 1162, 1164, 1183
  Qualification of Members, 805
  Sale of Beer, 771
  Supply—Army Estimates, 816
  Vixen, the—Treaty of Adrianople, 621

Royal Marines, c. 213

Russell, Lord John
  Affairs of Canada, 1234, 1250, 1277
  Breach of Privilege, 1391, 1393, 1394
  ———————— Explanation of Sir E. Codrington, 1316, 1326
  Church-rates, 212, 441, 502, 541, 542
  Criminal Laws, 709
  Factories' Act, the, 665
  Juvenile Delinquency, 927
  Manufacture of Foreign Corn, 690
  Men-of-War Wrecked, 693

Russell, Lord John—*continued.*
Municipal Corporations (Ireland) Bill, *cl.* 96, 673, 674, 1083, 1089
Police Magistrates, 295
Prison Discipline (Scotland), 1206
Survey of Church Lands, 1200, 1201, 1295

Russell, Mr. C.
Western Railway—Paddington Estate, 701

Ruthven, Mr.
Supply—Army Estimates, 791

Sale of Beer, c. 771
———— *Bill, c.* 809

Salisbury, Marquess of
Poor-law Amendment Act, 1300
Statute Labour, 619

Sandon, Viscount
Church-rates, 473
Manufacture of Foreign Corn, 688
Mercantile Marine, 190
Military Punishments, 889
Spain, 284, 285
Tobacco Duties, 768

Sanford, Mr. Ayshford
Supply—Army Estimates, 818

Scarlett, Mr.
Case of Mr. Lovesey, 929
Imprisonment for Debt, *cl.* 12, 698
Supply—Army Estimates, 820

Scotch and Irish Vagrants' Bill, l. 799

See of Bangor, l. 663

Severn Navigation, c. 1116

Sharpe, General
Supply—Army Estimates, 790

Shaw, Mr.
Municipal Corporations (Ireland) Bill, *cl.* 96, 673, 993

Sheil, Mr.
Affairs of Spain, 1448, 1457

Sibthorp, Colonel
Commissions, 72, 75
Hackney Coaches Bill, 796

Simeon, Sir R.
Creating Fictitious Votes, 160

Sinclair, Sir George
Brevet Promotion, the, 287, 288

Smith, Mr. Vernon
Ballot, the, 40
East-India Maritime Officers, 754

Solicitor-General, the, (Sir R. Rolfe)
Imprisonment for Debt, *cl.* 12, 698
Survey of Church Lands, 692

Somerset, Lord Granville
Brighton Railway—Stephenson's Line, 1302

Somerset, Lord Granville—*continued.*
Case of Mr. Lovesey, 858, 861, 867, 927, 928, 929
East-India Maritime Officers, 757

Spain, c. 223

Speaker, the, (Rt. Hon. James Abercrombie)
Breach of Privilege—Explanation of Sir E. Codrington, 1307, 1314, 1317, 1318, 1323, 1327, 1328
Brevet Promotion, the, 290
Brighton Railway—Stephenson's Line, 1161
County-rates, 1146
Merchant Service, the, 1124
Penny Stamp on Newspapers, 1171
Survey of Church Lands, 692

Stanley, Lord
Affairs of Canada, 111, 141, 1229, 1249, 1250
Brighton Railway—Stephenson's Line, 1161
Church-rates, 472, 510, 520
County-rates, 1141
Municipal Corporations (Ireland), 957, 958, 1083

Stanley, Mr. E. J.
County-rates, 1148

Statute Labour, l. 617

Steuart, Mr. R.
Municipal Corporations (Scotland), 456, 457

Stewart, Mr. P. M.
Affairs of Canada, 1262
Trade with Java, 6

Stores supplied to Spain, c. 619

Stormont, Viscount
Municipal Corporations (Scotland), 456

Strickland, Sir George
Brighton Railway—Stephenson's Line, 1160
Severn Navigation, 1117

Stuart, Lord Dudley
Church-rates, 543
Consular Agent at Cracow, 701, 702
Reform Act—Rates and Taxes, 206
Vixen, the—Treaty of Adrianople, 647

Supply—Army Estimates, c. 778, 813

Survey of Church Lands, c. 691, 1199, 1293

Tancred, Mr.
Municipal Corporations (Ireland), 940

Tennent, Mr. E.
Master of the Rolls (Ireland), 669, 672

Texas, c. 191

Thompson, Colonel
Affairs of Canada, 144
———— Spain, 1836, 1387, 1388
Dismissed Officers, 1192
Government of the Army, 775

Thompson, Colonel—*continued.*
  Imprisonment for Debt, *cl.* 12, 696
  Mercantile Marine, 189
  Military Punishments, 885
  Municipal Corporations (Ireland), 1061
  Royal Marines, 218
  Supply—Army Estimates, 819
  Texas, 201

Thompson, Mr. Alderman
  East-India Maritime Officers, 760

Thomson, Rt. Hon. C. Poulett
  Brighton Railway—Stephenson's Line, 1304
  Church-rates, 503, 508
  Manufacture of Foreign Corn, 684, 687, 689
  Mercantile Marine, 182

Tobacco Duties, c. 764

Tooke, Mr.
  Explanation, 858
  Parliamentary Agency, 800, 802
  ———— Agents, 463, 465
  Western Railway—Paddington Estate, 678

Trade with Java, c. 6

Trevor, Mr. A.
  Church-rates, 508, 548
  Commissions, 75
  Court of Session (Scotland), 1152
  Dismissed Officers, 1192
  Penny Stamp on Newspapers, 1174
  Sale of Beer, 773, 774
  Supply—Army Estimates, 818
  West London Cemetery Company, 923

Trial by Jury (Scotland) Bill, l. 1207

Troubridge, Sir T.
  Dismissed Officers, 1192
  Men-of-War Wrecked, 693

Tulk, Mr.
  County-rates, 1136

Turnpike Trusts (Scotland), c. 708

Tyrrell, Sir John
  Corn-laws, 611

Vere, Sir C. B.
  Affairs of Spain, 1386
  Manufacture of Foreign Corn, 688
  Supply—Army Estimates, 820

Verner, Colonel
  Municipal Corporations (Ireland), 950

Vernon, Mr. Granville Harcourt
  Church-rates, 344

Villiers, Mr.
  Corn-laws, 587
  County-rates, 1146, 1147
  Municipal Corporations (Ireland), 1065
  Spain, 285
  Supply—Army Estimates, 820

Vixen, the—Treaty of Adrianople, c. 621

Wakley, Mr.
  Penny Stamp on Newspapers, 1167, 1171
  Reform Act—Rates and Taxes, 205
  West London Cemetery Company, 923

Wallace, Mr.
  Penny Stamp on Newspapers, 1174
  Post-office, 809, 813

Want of Churches (Ireland), l. 1154

Warburton, Mr.
  Hackney Coaches Bill, 796
  Manufacture of Foreign Corn, 687
  Mercantile Marine, 189
  Navy Estimates, 658
  Qualification of Members, 802, 808
  Sale of Beer Bill, 809

Ward, Mr.
  Affairs of Canada, 141, 1250
  ———— Spain, 1420, 1438
  Texas, 197

Wason, Mr.
  Case of Mr. Lovesey, 868
  Church-rates, 530, 541
  Supply—Army Estimates, 820

Wellington, Duke of
  Municipal Corporations (Ireland), 1156
  Oxford and Cambridge Statutes, 1022, 1041
  Poor-law Amendment Act, 851

Western Railway—Paddington Estate, c. 678, 701

West London Cemetery Company, c. 923

Whalley, Sir S.
  Western Railway—Paddington Estate, 681

Wharncliffe, Lord
  Church-rates, 209
  Receiving Printed Petitions, 211
  Statute Labour, 617

Wilks, Mr.
  Sale of Beer, 774
  ———— Bill, 809

Williams, Mr.
  Supply—Army Estimates, 789

Williamson, Sir Hedworth
  Church-rates, 548

Wilmot, Sir Eardley
  County-rates, 1130, 1146, 1147
  Juvenile Delinquency, 926

Winnington, Captain
  Severn Navigation, 1121

Wood, Mr. Charles
  Affairs of Spain, 1367
  Battles in Spain, 682
  Breach of Privilege—Explanation of Sir E. Codrington, 1322
  Brevet Promotion, the, 291, 292
  Dismissed Officers, 1184, 1191

Wood, Mr. Charles—*continued.*
  Navy Estimates, 219, 656, 657, 907, 908, 909, 910, 911
  Royal Marines, 215, 219
  Stores supplied to Spain, 620

Wood, Colonel
  Brighton Railway—Stephenson's Line, 1302
  County-rates, 1127
  Severn Navigation, 1118

Wood, Mr. Alderman
  Severn Navigation, 1119

Worsley, Lord
  County-rates, 1148
  Reform Act—Rates and Taxes, 206

Woulfe, Mr. Sergeant
  Municipal Corporations (Ireland), 973

Wrottesley, Sir J.
  Brevet Promotion, the, 289

Wrottesley, Sir J.—*continued.*
  County-rates, 1129
  Severn Navigation, 1120

Wynford, Lord
  Appendage to a Petition, 835, 854
  Oxford and Cambridge Statutes, 1040

Wynn, Mr. Williams
  Breach of Privilege—Explanation of Sir E. Codrington, 1318, 1319
  Qualification of Members, 806
  Sale of Beer, 774
  Supply—Army Estimates, 820

Young, Mr. G. F.
  Church-rates, 541
  East-India Maritime Officers, 749, 761
  Imprisonment for Debt, *cl.* 1, 695, *cl.* 12, 697
  Manufacture of Foreign Corn, 687
  Mercantile Marine, 185
  Navy Estimates, 907, 908, 910, 913
  Royal Marines, 218
  Supply—Army Estimates, 819

END OF VOL. XXXVII.

THOMAS CURSON HANSARD, PATERNOSTER-ROW.